

SUMMARY OF STAKEHOLDERS PRIORITY ISSUE TOPICS RECOMMENDATIONS:

The Stakeholders identified 14 priority issue topics and recommend that the Board proceed with the Adoption of a Resolution of Intent to Amend the Zoning Ordinance to address these priority issue topics in July 2012, followed by the adoption of a corresponding ZOAM by the end of 2012. Staff seeks Board direction in regard to which priority issue topics should proceed to Phase 2 and whether the timeline for the ZOAM to address the priority issue topics should be accelerated as proposed by the Stakeholders. The following is a brief description of each of the Stakeholder's priority issue topics, as well as a summary of Staff's initial comments and issues identified to date, including a statement regarding potential impacts on the County's economic development goals.

1. **Creation of a "Zoning Ordinance Action Group (ZOAG)".** The Stakeholders recommend the creation of a Board appointed advisory group that would draft, review and make recommendations in regard to proposed zoning ordinance amendments on a on-going basis and that regulations in regard to the formation of this group would be included within the Zoning Ordinance. The Stakeholders are concerned that unless the ZOAG is identified in the Zoning Ordinance, a subsequent Board of Supervisors could easily alter or eliminate this advisory group. Stakeholders believe that ZOAG could provide a more rapid response to zoning issues and its creation would send a message to the business community that the County is responsive to their needs and concerns. The purpose of the ZOAG is intended to allow for more timely amendments to the Zoning Ordinance to respond to changes in the marketplace, while reducing the demand on Staff resources. The Stakeholder proposed draft has been included as Attachment 4.

Staff Comments: Staff supports the concept of a ZOAG and believes that it would have a high business impact Countywide, but does not recommend including regulations in regard to ZOAG within the Zoning Ordinance. Staff believes that by not including regulations within the Zoning Ordinance, the Board would have greater discretion to review the effectiveness of the ZOAG and to modify ZOAG's responsibilities as the need arises. Otherwise, modification of ZOAG's role and responsibilities would require a Zoning Ordinance Amendment. For the aforesaid reasons, caution should be exercised in regard to the amount of detail contained in any regulations for ZOAG that are included within the Zoning Ordinance.

In addition, Staff recommends that the ZOAG's involvement not be required for every Zoning Ordinance amendment, as this could delay, rather than expedite, certain amendments. Staff further recommends that a member of the Zoning Administration Division serve as a liaison to the ZOAG, to assist with understanding the nuances of the Zoning Ordinances. It is still envisioned that Staff would still review all Zoning Ordinance amendments proposed by the ZOAG and would still manage such Zoning Ordinance amendments through the public process. Thus, despite ZOAG's role, there would still be an impact on Staff resources. Staff also questions how the role of the ZOAG will differ from, or provide additional value, beyond what the Planning Commission currently provides. The establishment of a ZOAG would not change the State mandated requirement that Zoning Ordinance amendments include a Planning Commission public hearing and recommendation.

2. **Process.** The Stakeholders recommend reducing the Zoning Ordinance public notice requirements for public hearings associated with applications for zoning map amendments, special exceptions, variances and appeals to reflect the requirements of the State Code. This

amendment is being proposed to reduce the number of notice letters that applicants are required to send to adjacent properties from two to one. Such a change would reduce the cost to applicants as well as the timeline for processing such applications. In addition, the Stakeholders also recommend Zoning Ordinance amendments to revise the process for special exception (SPEX) and zoning map amendment (ZMAP) applications to include: making the Pre-Application meetings voluntary, rather than mandatory; reducing the Staff review timelines; and allowing modifications to Zoning Ordinance requirements for all zoning districts rather than just the Planned Development (PD) districts. . Also, the Stakeholders propose reducing the items required on the SPEX application submission checklist and to reduce the timeline for Staff's checklist review for SPEX and ZMAP submissions. The Stakeholders draft of Section 6-600, 6-1200, 6-1300 of the Zoning Ordinance, as well as a Process Recommendation Summary and Recommendation on Special Exception Checklist, is included in Attachment 4.

Staff Comments: Staff endorses a review of the legislative processes in Article VI of the Zoning Ordinance to identify how such processes can be streamlined. The Department of Economic Development (“DED”) notes that the length of the review process is often cited (at least by the development industry) as a comparative measure of the business friendly nature of different localities, and believes that the Stakeholders recommendation would have a high positive impact for businesses Countywide. As the nature of development and applicants in eastern Loudoun changes, process changes could have broad benefits, particularly for business recruitment. However, Staff believes the County should evaluate any proposed changes to the current processes and how such changes may affect the County’s continued ability to examine all the impacts of a development, to assess an application’s consistency with the County’s land use, design and transportation policies, and to provide the community with the opportunity to be aware of, and comment on, the applications. Staff recommends that, as part of the changes proposed with the Stakeholders draft text, the Zoning Ordinance be clarified to provide more certainty when legislative applications move from an “inactive” status to a “withdrawn” or “closed” status. Staff notes that process changes will also have staffing and revenue implications.

3. **Creation of Ombudsman.** The Stakeholders recommend that the County establish an ombudsman role to aid and guide businesses who are not familiar with the County’s regulations through the County’s various review process. This recommendation does not involve amendments to the Zoning Ordinance, therefore, there is no draft Zoning Ordinance text

Staff Comments: Staff considers the creation of an ombudsman as providing a high positive impact for businesses Countywide, especially for small business that may lack the resources to hire consultants. This role would seem to be similar to the role played by DED Staff in assisting target industries. DED Staff currently has the ability to facilitate discussions with applicants and County Staff to find solutions and streamline the review process. Further discussion will be required to determine if this role is a single, dedicated position or an ombudsman team.

4. **Data Centers.** The Stakeholders recommend establishing a new “Data Center” use that would be a permitted in the PD-IP, PD-OP, and CLI zoning district, and to creating a new definition and performance standards for this use. The Stakeholders draft text of the “data center” definition and performance standards have been included in Attachment 4. The draft text for PD-IP, PD-OP, and CLI include the proposed “data center” use.

Staff Comments: Staff supports the establishment of a new “Data Center” use that would be a permitted use in commercial zoning districts, such as the PD-IP, PD-OP, and CLI zoning districts, and the creation of a corresponding definition and performance standards. The Stakeholders recommendation may have a high positive business impact to the eastern portion of the County, in particular, but more details are needed. Data Centers have been one of the highest growth industries in Loudoun. Data Centers are currently classified as an office use, which requires Special Exception approval in the PD-IP zoning district. Special exception approval is also required to increase the floor area ratio (FAR). Time-to-market is critical for data center development and the legislative process creates uncertainty and adds time to the data center delivery so it is important to consider a data center amendment. Presently, the majority of data center uses is located in PD-IP zoned land near substations and have gone through the special exception process for office use and to increase the FAR, therefore, the impacts of a new data center use to existing uses are undetermined. Data Centers in one form or another can be part of any office or industrial project and can have a major fiscal benefit to the County. The nature of the use, however, makes it inconsistent with the policies for planned office and Keynote Employment areas and not as desirable visually along gateway corridors. It is also important to note that data centers do not typically seek high visibility, but have located in Keynote Employment areas based on permitted office use classification.

Electrical substations and power lines are an inherent component of most data center proposals and should be addressed with appropriate performance standards. Developing such appropriate performance standards require further review and discussion.

Further feedback and comments from the Data Center industry and utility providers is necessary to ensure that unintended consequences are vetted and that infrastructure needs (e.g. substations, power lines, water lines, etc.) are fully accounted for. Staff also notes that establishing Data Centers as a new permitted use may affect previous Special Exception conditions of approval that apply to many Data Centers that were previously approved as an “office” use and currently exist within the County, and that these effects should be examined.

5. **Amend the Steep Slopes Standards and the Floodplain Overlay District (“FOD”).** The Stakeholders recommend exempting property zoned for commercial, business, office or industrial uses from the steep slope requirements, particularly in the eastern portion of the County. In addition, the Stakeholders recommend revising the Zoning Ordinance definitions of “Moderately Steep Slope Area” and “Very Steep Slope Area” to clarify that the steep slope standards do not apply to “man made slopes”. The Stakeholders also recommend: (1) permitting stormwater management facilities, best management practices (BMPs), and expanded parking in major floodplain areas; (2) allowing density credit for major floodplain located on site; and (3) allowing more general development in the FOD. The Stakeholders draft text regarding steep slopes is included in Attachment 4.

Staff Comments: Staff supports amending the definition of Steep Slopes to exempt man made slopes, especially because they can impact or limit commercial development, but has concerns with exempting the steep slope standards for properties zoned for commercial, business, office, or industrial uses. The Stakeholder recommendation is viewed as having a high positive impact for businesses for a limited number of parcels. DED is familiar with one project that had man made steep slopes and was at risk of losing development potential. Exempting such property is inconsistent with the policies of the Revised General Plan (“Plan”), which prohibit disturbance on slopes of greater than 25 percent. If improperly used and disturbance occurs, steep slope

areas could experience erosion, building and/or road failure, downstream flooding, and other hazards. The grade of a steep slope is also often a factor causing unstable soils. For these reasons it is important to protect very steep slopes throughout the County.

As an alternative, Staff recommends exploring amendments to the Zoning Ordinance to increase the type and amount of certain land disturbing activities that can occur on very steep slope areas and/or increasing the amount of isolated areas of steep slopes that are exempt from the standards. These alternatives, along with exempting man made slopes, were discussed during the Stakeholder meetings and appeared to address most of the Stakeholder concerns.

Although Staff supports permitting density credit for major floodplain located on site, Staff notes that permitting additional uses within floodplain areas is not consistent with Plan policies and could have negative impacts on water quality, flood protection, aquatic and wildlife habitat and the scenic value of streams. As for the changes to the FOD, Staff believes that the recommendation will have a high impact for a limited number of parcels; however, as the Stakeholders did not provide specific draft Zoning Ordinance language regarding their proposed changes to the FOD and, therefore,, Staff cannot adequately evaluate issues and impact until more detail is developed.

Additionally, Staff believes that the proposed changes to the FOD regulations must be thoroughly researched to evaluate: 1) public safety impacts; 2) consistency with FEMA requirements; 3) the potential need for additional Staff resources caused by a potential increased number of applications; 4) the impacts caused by the potential loss of the riparian buffer provided by the floodplain; and 5) the delineation of the floodplain, which is currently being revised.

6. **Bed and Breakfast Regulations.** The Stakeholders recommend that different classifications of bed and breakfast uses be established based on the permitted number of rooms in order to allow smaller scale bed and breakfasts, which are more compatible with surrounding residential uses, to be established with less restrictive standards and with a simpler process. In addition, the Stakeholders recommend revising the Additional Regulations for bed and breakfast uses to increase the number of special events that can be held. The number of special events permitted by temporary permits is recommended to be increased and the number of attendees permitted is proposed to be based on parcel size. The Stakeholders draft text is included in Attachment 4.

Staff Comments: Staff is supportive of establishing different categories of bed and breakfast uses and their corresponding levels of regulations, and believes that such revisions will have a high positive impact for B&B businesses in the rural parts of the County, as B&B businesses have expressed a great deal of concern over the last several years related to clarification of the B&B regulations. However, Staff is concerned about the potential impacts that numerous special events (e.g. wedding receptions) may have on the rural and/or residential character and transportation network. Therefore, Staff recommends examining whether different bed and breakfast regulations should be established for bed and breakfast type uses that do not include special events.

7. **PD-IP (Planned Development-Industrial Park) Zoning District.** The Stakeholders propose changes to the PD-IP zoning district to include reclassifying certain special exception uses as permitted (by-right) uses; increasing the maximum building height; reducing the additional setback required for additional building height; increasing the maximum floor area ratio (FAR);

and reducing the parking setback from residential districts and uses. The Stakeholder draft Zoning Ordinance text has been included in Attachment 4.

Staff Comments: The proposed changes to building requirements, such as height and FAR, are generally consistent with County policy. Allowing more uses by-right could be supported provided the uses are consistent with land use policy. PD-IP and PD-OP zoned land represents nearly 70% of the sites currently being marketed for commercial development. Providing property owners, and thus businesses, more flexibility within the PD-IP zoning district with less need for legislative processes will provide for increased product delivery and certainty. Staff notes that reclassifying special exception uses as permitted uses may affect the previously approved conditions of approval that apply to existing Special Exceptions uses within the PD-IP zoning district, and recommends that such effects be fully examined before any reclassifications are made. Staff also recommends that existing conditions of approval be researched to identify performance standards for the new permitted uses to address impacts that previously would have been addressed through the legislative process.

Staff notes that an increase in retail and service uses is not consistent with land use policy, which limits commercial retail and service uses to 10% of the land use mix (measured as a percentage of the land area) to ensure that office and light industrial uses are the predominant component in areas planned for Business uses. Collectively, the proposed changes to the PD-IP and PD-OP districts would serve to remove distinctions between the districts, giving landowners in each district the same development potential, but removing any land use, visual, or marketing distinctions which is contrary to County land use policy that identifies the highest and best use of land for either office or industrial employment. The policy helps to create value, protect the viability of existing uses and minimize conflicts between different uses. Removing the distinction between districts should be analyzed for its impact on land values, potential land use conflicts and implications for traffic and other factors.

PD-OP (Planned Development-Office Park) Zoning District. The Stakeholders recommend revising the PD-OP zoning district to include reclassifying certain special exception uses as permitted (by-right) uses; reducing the additional setback for increased building height; allowing FAR averaging; and reducing the parking and building setback from residential districts and uses. The Stakeholders draft PD-OP text is included in Attachment 4.

Staff Comments: The proposed changes to building requirements, such as height and FAR, are generally consistent with County land use policy, and permitting more uses by-right could be supported provided that such uses are consistent with land use policy. It is anticipated that the Stakeholders proposed revisions will have a high positive impact for businesses in the County. PD-IP and PD-OP zoned land represents nearly 70% of the sites currently being marketed for commercial development. Providing property owners, and thus businesses, more flexibility within the PD-OP zoning district with less need for legislative processes will provide for increased product delivery and certainty. However, Staff notes that an increase in retail and service uses is not consistent with land use policy. Additionally, land use policy limits commercial retail and service uses to 10% of the land use mix (measured as a percentage of the land area) to ensure that office and light industrial uses are the predominant component in areas planned for Business uses. Collectively, the proposed changes to the PD-IP and PD-OP districts would serve to remove distinctions between the districts by giving landowners in each district the same development potential while removing any land use, visual, or marketing distinctions. This removal of distinctions is also contrary to County land use policy that identifies the highest

and best use of land for either office or industrial employment. Such land use policy is important because it helps to create value, protect the viability of existing uses and minimize conflicts between different uses. Removing the distinction between districts should be analyzed for its impact on land values, potential land use conflicts and implications for traffic and other factors.

Staff also notes that unintended consequences may occur when uses are reclassified from special exception to permitted uses. Existing conditions of approval that apply to previously approved Special Exception uses will need to be researched to determine the effects of such a reclassification.

8. **MR-HI (Mineral Resource-Heavy Industry) Zoning District.** The Stakeholders recommend revising the existing MR-HI zoning district regulations to include separating the district regulations into two subcategories: “Mineral Resource Extraction and Processing” and “Other”. The Stakeholders also recommend creating specific lot and building requirements for the “Other” subcategory (to allow for a smaller minimum lot size and increased building height) and to relocate certain performance standards to Section 5-600 (Additional Regulations for Specific Uses). The Stakeholders draft MR-HI text is included in Attachment 4.

Staff Comments: Generally Staff is supportive of the proposed changes, but considers MR-HI a low priority as the proposed changes afford limited positive impact for businesses in a limited geographic area and there have been few business questions related to development in the MR-HI zoning district directed to DED.

9. **CLI (Commercial Light Industry) Zoning District.** The Stakeholders recommend reclassifying certain special exception uses as permitted uses; adding new permitted (by-right) uses; increasing the permitted percentage of floor area for accessory uses; reducing the minimum lot size; increasing the maximum lot coverage; increasing the permitted maximum height; increasing access to Route 50; and allowing individual property owners to file a unified development plan without having to consolidate lots. The Stakeholders have provided draft district language which is included in Attachment 4.

Staff Comments: The CLI zoning district already allows for a wide variety of commercial uses that generate high traffic volumes and do not promote the coordinated and efficient land use or traffic pattern envisioned by the County for the Route 50 Corridor. Instead of adding new permitted commercial uses that also would not promote the vision or land use policy for the Route 50 Corridor, the County should look at whether existing by-right and special exception uses could be modified for uses that are more appropriate for achieving the County’s objectives. For example, land use policy limits commercial retail and service uses to 10% of the gross land area within Business Communities; however, land use policy also allows the 10% maximum to be exceeded along the Route 50 Corridor when specific criteria are met, provided that the predominant uses are still office and light industrial. Research is needed to determine the impact of reclassifying certain special exception uses as permitted (by-right) uses, and the impact of such reclassification on existing approved special exceptions. Further, the Stakeholders recommend permitting increase access along Route 50 in the form of right-in and right-out movements, which is contrary to the limited access policies for Route 50. Also, Staff is concerned that the recommended reduction in additional setback for increased maximum building height will have a negative impact on adjacent properties. For these reasons, and, given the recommendations anticipated medium business impact for on a limited geography, Staff

believes that this priority issue topic may need greater research and input and thus should not proceed on the accelerated timeline proposed by the Stakeholders, but rather proceed for further review with the remaining issues identified in the Matrix.

10. **Site Plan Submission Requirements.** Currently, the Zoning Ordinance requires that as part of the initial submission of any site plan application, that the applicant submit the following documents: a copy of the approved concept plan, rezoning plat, or special exception plat; the Copy Teste of the Board of Supervisors action on such plan or plat; a copy of the approved proffers and/or special exception conditions; and a copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property. The Stakeholders recommend revising Section 6-702 of the Zoning Ordinance (draft language included in Attachment 4) to relocate these submission requirements from the Zoning Ordinance to the Facilities Standards Manual. In addition, the Stakeholders recommend that applicants be allowed to submit the above-referenced documents digitally and only one time instead of with each initial site plan submission.

Staff Comments: Staff supports the concept of one digital submission of the required documents, and believes this recommendation will have a high positive impact for businesses Countywide. Streamlining and clarifying site plan submission requirements are a change that could positively impact any new commercial project.

11. **Tree Canopy.** The Stakeholders recommend allowing the required tree canopy calculation to be based on the canopy that will exist at a 20 year maturity rather than at the current 10 year maturity. The Stakeholders draft language is included in Attachment 4.

Staff Comments: Staff notes that the proposed changes provide a low impact for businesses Countywide. To date, DED has not had any direct experience with the tree canopy requirements interfering with potential business development. The proposal will result in a reduction in the number of trees that are required to be planted at the time of development in order to satisfy the minimum tree canopy requirements. In addition, Staff is concerned that by increasing the maturity to 20 years, the plant material will be nearing the end of its life cycle. Staff notes that the Public Review Committee is currently working on amendments to the Facilities Standards Manual regarding the standards for Tree Preservation when existing trees are proposed to meet the tree canopy requirements of the Zoning Ordinance.

12. **Buffer Width Reduction.** The Stakeholders recommend reducing the required minimum buffer yard width to be no wider than the required yard width in cases where the required yard is smaller than the buffer width, while retaining the same quantity of required plantings within the smaller buffer. The Stakeholders have provided draft Zoning Ordinance text that is included in Attachment 4.

Staff Comment: Staff considers the proposal to be of low impact for businesses because DED has not had direct experience where the buffer width requirement has been an issue for business development. Staff does not concur with the proposal to allow a buffer yard width to be reduced to be the same width as a smaller yard requirement, while still providing the same number of plants. Such a reduced buffer yard width can impact the viability of the required plantings. The current buffer yard widths were established to provide the designated plant material the best opportunity to grow and flourish. If the buffer yard widths are reduced to minimum yard widths, which in some zoning districts are as little as 0 to 10 feet, plant materials' ability to

survive will be significantly impacted. In addition, the buffer yard widths and plantings also provide separation and screening in order to mitigate the impacts of a specific use on a parcel that is incompatible with the uses on adjacent properties. However, the purpose of the yards and setbacks required in the zoning districts is mainly to provide for light and air. Staff notes that the Zoning Ordinance currently allows the Zoning Administrator to waive or modify the buffer and screening requirements under certain circumstances. Staff is open to evaluating other ways of adding more flexibility.

13. **“Quick Fix” Items.** There are a number of issues identified in the Matrix related to Article 8, Definitions, and performance standards found in Section 5-600, *Additional Regulations for Specific Uses* that were recommended by the Stakeholders to be “quick fix” items. Such items include the removal of performance standards from definitions, the establishment of new performance standards for new uses, and the revision of existing performance standards. No draft Zoning Ordinance language was provided.

Staff Comment: Staff concurs with the proposed removal of performance standards from the Ordinance definitions in Article 8 and moving such standards to Section 5-600, *Additional Regulations for Specific Uses*. Staff notes that this change would allow for greater flexibility, because the performance standards in Section 5-600 can be modified through the Minor Special Exception process. Staff believes this proposal to have an average impact for businesses in the County.

14. **Special Exception Uses to Permitted (By-Right) Uses.** The Matrix of Issues includes the recommendation to reclassify certain special exception uses as permitted (by-right) uses for certain zoning districts that were not included in the draft text submitted by the Stakeholders. Such use reclassifications were recommended for the General Business, PD-MUB (Planned Development-Mixed Use Business), PD-TREC (Planned Development-Transit Related Employment Center), PD-TRC (Planned Development-Transit Related Center), and PD-TC (Planned Development -Town Center) zoning districts; however, no draft text was provided.

Staff Comments: Additional research is needed to determine the impact that reclassifying special exception uses as permitted uses would have on existing, approved special exceptions. Staff deems this recommendation to be of medium impact to business development in the County, without additional information and specifics on the recommendations. New performance standards may be required to mitigate some of the potential negative impacts of such uses that traditionally would have been addressed by Special Exception Conditions of Approval. Because of the proposed compressed time schedule (adoption by the end of the year) Staff is concerned that there may not be sufficient time for in depth analysis in regard to the effects of such a reclassification and development of appropriate performance standards.

INTRODUCTION

On January 3, 2012, the Board of Supervisors (Board) directed staff to develop a Resolution of Intent to amend the Revised 1993 Loudoun County Zoning Ordinance for the purpose of advancing commercial development throughout the County. The overall objective of the amendment is to move forward the Board's stated mission to encourage a more business-friendly environment.

As a first step in this effort, the Board directed staff to prepare a workplan that proposes a timeline, identifies the resources necessary to complete the Zoning Ordinance amendment(s), and assesses the impacts on other zoning related initiatives that are currently underway or planned.

This workplan is intended to respond to the Board's direction and provide a process for completing the Ordinance amendment within the timeframe shown on Exhibit 1, Project Workplan Graph. However, it should be noted that the estimated completion date may need to be adjusted, depending on the actual scope of the Ordinance changes identified during the initial Stakeholder Engagement/Public Outreach, as well as additional time that may be needed for the Planning Commission (Commission) and Board to complete their review of the proposed amendments.

SUMMARY

To develop the Zoning Ordinance amendment, the workplan is divided into the following three phases: Phase I: Stakeholder Engagement/Public Outreach; Phase II: Issues Research/Analysis/Implications/Drafting; and Phase III: Formal Public Process to include Commission and Board review and approval. A more detailed description of each of the three phases is provided in the Section entitled "Detailed Approach" below. A key component of the workplan is a process designed to actively engage citizens and key stakeholders, identifying the challenges and issues encountered in establishing commercial development in the County and to encourage creative thinking and innovation for resolving these issues.

Further, the amendment process is intended to run concurrently with a similar effort underway for implementing the recently adopted Revised General Plan policies for the Route 28 Corridor. As demonstrated in the workplan below, by including key staff from both efforts – the process will ensure that the resulting work products will complement each other and that the stated goals will be accomplished.

During Phases II and III opportunities for updates and feedback are proposed to keep the Board, Commission, Stakeholders, and the public informed on the status of the amendment process and to ensure that the project stays on target for accomplishing the stated goals. Staff proposes to provide periodic updates to inform and update the Board as products are developed and to seek feedback. In addition, real time updates will be provided on a project specific web page on the County website. Furthermore, a dedicated e-mail address and voice mail phone number are proposed to receive public comments throughout the process.

STAFFING

The Zoning Ordinance amendment process is proposed to include a Technical Team, various County referral agencies and a public Stakeholders Group. A more detailed description of these staffing elements is provided as follows:

Technical Team

An internal Technical Team (Tech Team) will be assembled to provide expertise, background, and staff support throughout the Zoning Ordinance amendment process based upon the scope of the amendment as identified in Phases I and II. This team will be composed of County Staff knowledgeable in the Ordinance and commercial development processes from the following departments:

- Building and Development
- County Attorney
- Planning
- County Administration
- Economic Development

A Core Team from the Departments of Building and Development, Planning, and Economic Development will have day to day research and drafting responsibilities. Staff will employ several organizing tools during the amendment process to ensure consistency, clarity, and transparency as work products are developed. During Phase I, the Core Team will focus on compiling public input into topics of concern to be used in Phase II.

Referral Agencies

After the initial outreach to the commercial development community and the public, the Core Team will present information and seek input and guidance from various County departments that can assist in identifying critical issues and provide feedback as to the potential impacts associated with proposed revisions of the Ordinance. In addition, the Referral Agencies will provide specific comments on the draft revisions to the Ordinance. The Referral Agencies may include Staff from the following Departments:

- Building and Development
- County Attorney
- Management and Financial Services
- Mapping and Geographic Information
- County Administration
- Economic Development
- Planning
- Transportation Services

Stakeholders Group

Throughout Phase I and during key portions of Phase II, the Tech Team will work with a Stakeholders Group. The Stakeholders Group should include individuals and organizations within the community that are familiar with developing commercial projects within the County. The Stakeholders Group could include industrial and trade association groups, regional organizations, realtors, brokers, financial institutions, landowners and/or their representatives, and other experts that have expressed interest in the proposed amendment. The following groups have been identified as potential members of the Stakeholders Group:

- Loudoun County Chamber of Commerce
- National Association of Office and Industrial Parks (NAOIP)
- Economic Development Commission (EDC)
- Route 50 Business Alliance

It is important to note that the workplan proposes avenues for garnering public input beyond the involvement of the Stakeholders Group.

Tasks in Phases I and II build from previous efforts, therefore, attendance at the forums and public input sessions by representatives from the Board's Economic Development Committee,

and the Commission is crucial as these groups will be instrumental in later phases of the workplan and in the implementation of the regulatory changes.

DETAILED APPROACH

Details of each of the three phases are described below.

Phase I

Upon approval by the Board, Phase I would commence with the public outreach and Stakeholder Group engagement to determine areas of the Zoning Ordinance that may be problematic and to identify impediments to commercial development within the County. It is anticipated that during this phase a “sense of the issues” or perceived impediments to commercial development within the County will be explored and a list of issues developed. This list of issues derived from public input and Stakeholder Group meetings will be the basis for the development of the Zoning Ordinance amendment that may involve several articles in the Zoning Ordinance and other County development regulatory documents. Issues that are unrelated to the Zoning Ordinance or to other development regulatory documents will be identified and brought to the Board for a decision on the most appropriate County department to address those concerns. A crucial activity of this phase will include public forums to hear from the key community stakeholders about the opportunities and challenges of developing commercial projects in the County and to organize the issues into distinct topics of concerns. The Board will be provided with an update on the results of the public input sessions and will be provided a list of proposed changes and issues in order to prioritize those changes that they deem most helpful to the commercial development community. The Board may determine that some proposed changes provide more immediate benefit, and direct those amendments to proceed to Phase II, while other potential amendments may require additional research and exploration, resulting in the need for independent workplan(s). This discussion between the Tech Team and Board may result in an altered workplan and timeline based upon the outcome. It is expected that these topics of concern will be the basis for identifying the research and analysis to be conducted in Phase II.

Phase II

Phase II builds on the results garnered in Phase I. Phase II is the most time intensive component of the workplan. During this phase, a considerable amount of time will be spent on detailed research on the issues identified by the Board in Phase I and analysis of the potential impacts that may result from making the changes suggested by the public and Stakeholder Group. The Tech Team may involve the Referral Agencies in order to gain additional input in identifying issues and impacts. The Tech Team will provide an analysis of identified issues, implications, and potential resolutions of issues to the Board and Commission for update and feedback on project status. Based upon the results of thoroughly researching the implications of the changes proposed, it may become necessary to alter the workplan in order to allow for more time, as determined by the Board.

After meeting with the Commission and Board, a draft set of regulatory changes will be produced and sent to Referral Agencies for review and comment. The Tech Team will return to the Stakeholder Group with the revised draft regulatory language to receive Stakeholder comments.

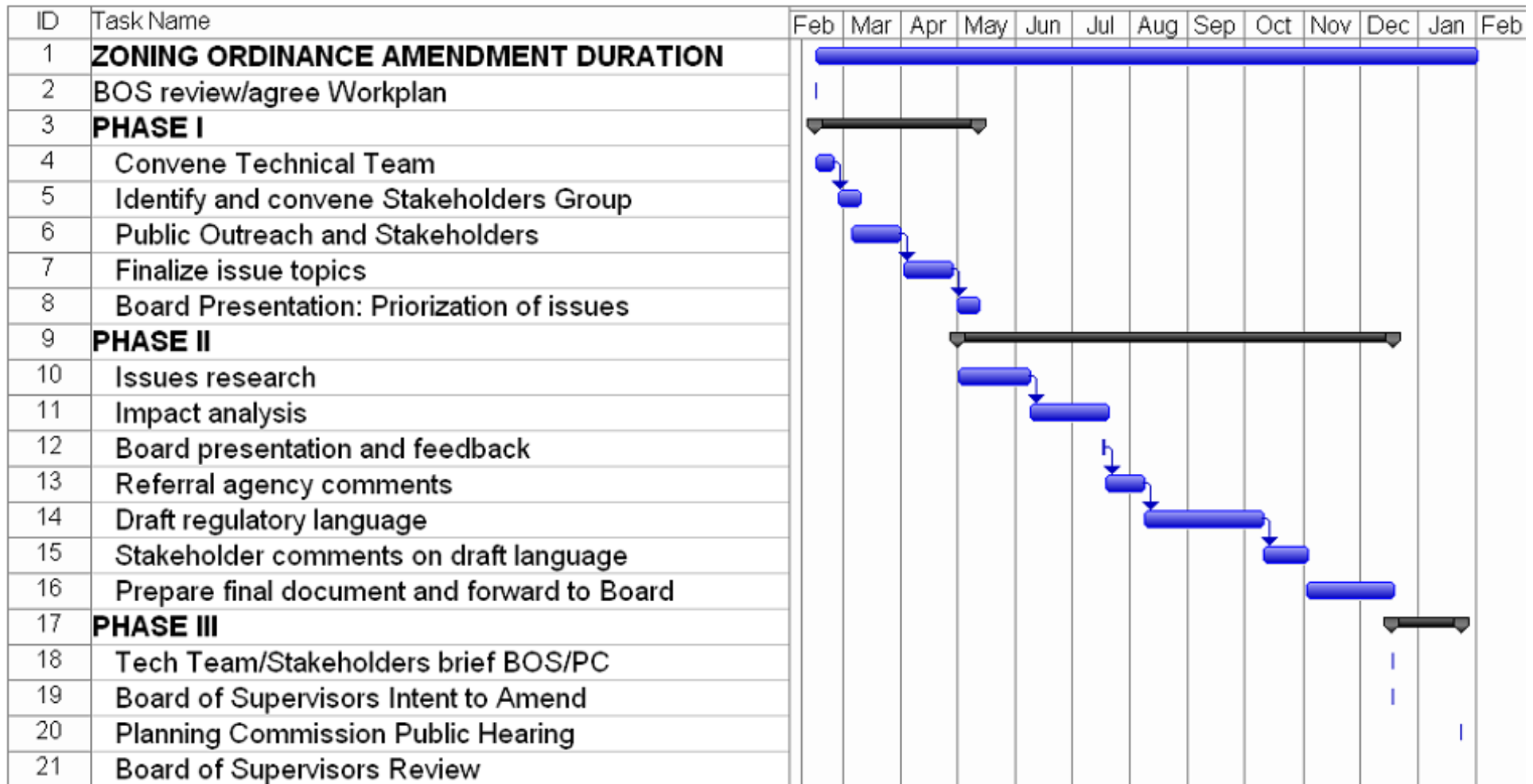
Work products from this effort could include issue papers that examine current commercial zoning districts in relation to the Phase I identified topics of concerns and may include regulatory changes that address uses and development standards between the various ordinances.

Phase III

In Phase III, the Tech Team will prepare a final draft of the proposed amendments to be presented at a joint briefing to the Board and Commission. Following this briefing and subsequent Resolution of Intent to Amend, the amendments will proceed through the traditional process of formal public hearings and work session, if necessary, beginnings with Commission review in January 2013.

The Tech Team, Referral Agencies, and possibly Stakeholder Group representatives, will provide technical assistance to the Commission and Board as requested. Additional studies intended to further the Commission and Board's understanding of the issues could be requested during this phase. Any such requests that will affect the proposed timelines and/or delay the Board action on the amendments would be brought to the Board's attention.

Exhibit 1, Project Workplan



Legend

Green =	no staff concern
Blue =	not Zoning Ordinance related
"Priority List #" column	indicates that draft text language for a priority item includes or will include the line item in the draft; number corresponds to staff report priority item
"Bin" column: Quick-fix =	the line item was reviewed by Stakeholders/staff and determined to be something that could be addressed quickly
Mid-term =	line item requires additional research to resolve or address
Long-term =	line item could take significant time to resolve or address
*Staff Concern: No =	no immediate concern with issue, but may require more discussion
Yes =	staff has a concern with implementation or potential Comp Plan conflict. Issue may require more research
**Biz Impact: Low =	impacts limited number of properties;
Medium =	impacts limited geographic area;
High =	Impacts largest number of parcels and business opportunities
NS =	No Support (issue as described does not add directly to increasing business development)

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
1		Processing is not permitted except as accessory use, therefore, product to be processed has to be grown on site. Allow processing as a principal use in the ag districts.	2-100, 2-200	AR-1 AR-2	Remove zoning obstacles to processing facilities for meat, dairy, and vegetables for both on farm processing and establishment of new processing businesses to serve direct market ag industry. One bottleneck to enhancing local production is the processing capacity of the area. There is a market need and Loudoun could follow the lead of Lancaster County VA in promoting establishment of these businesses.	Long-term	no	H
2	6	Bed & Breakfast Homestay/Farmstay		Not Specified	Create new use, Bed & Breakfast Homestay/Farmstay that allows 1-6 guest rooms by right with no minimum acreage.	Quick Fix	yes	H
3	6	Bed & Breakfast Inn		Not Specified	Replace Bed & Breakfast use with Bed & Breakfast Inn that allows 7-10 rooms on property by right with no minimum acreage.	Quick Fix	yes	H
4	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn use			Add references to Bed & Breakfast Homestays/Farmstays and Inns to zoning districts, as appropriate.	Quick Fix	no	H
5	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn use		Not Specified	Move Bed and Breakfast from Commercial Use Category to Residential Use Category	Mid-Term	yes	H (NS)
6		Rural Uses	Article 2	Not Specified	Add/Delete various uses to make the list of permitted, special exception, and minor special exceptions. Combine redundant rural uses or better define.	Quick Fix	no	H
7		Equestrian Uses	Section 2-102 and 2-202	AR-1 AR-2	Why are there so many categories of stables and equestrian facilities?	Quick Fix	no	H
8		Maximum lot coverage	2-103(A)(3)(d) & 2-203 (A)(3)(d)	AR-1 AR-2	Lot coverage should exclude agricultural structures as in A-3 and A-10	Quick Fix	no	M
9		Similar uses have different performance standards	2-100 & 2-200	AR-1 AR-2	Combine like uses in the AR-1 and AR-2 zoning districts and have like uses have the same performance standards.	Quick Fix	no	H
10		Sports fields, Rural recreational establishment, outdoor	2-100 & 2-200	AR-1, AR-2, JLMA-20, TR-10	Create separate use and performance standards for sports fields. Reconsider amendments to the Rural recreational establishment, outdoor use. Understand the amendment is on hold.	Long-term	clarify	clarify
11		Home Occupation		RC	Allow use as permitted accessory use in all districts that allow residential.	Quick Fix	no	M
12	13	Rural Resort/Rural Retreat	2-102 & 2-202	AR-1 AR-2	Consider combining into one use	Quick Fix	no	M
13		Accessory outdoor storage	3-803(C)	GB	Remove, definition includes outdoor storage, not accessory	Quick-fix	no	L
14	4, 9	Data Center Uses	3-803 and 3-903	GB & CLI	Add Data Center as a Permitted Use	Quick-fix	yes	H

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15		Reduce required yards between other GB or Industrial uses	3-805(C) 1 thru 3	GB	Need large yards between like use? If adjoining other GB or industrial uses yards should be similar to other districts	Quick-fix	no	L
16	14	Make By Right: Warehousing; Motor Vehicle Rental; Storage, Mini warehouse	3-804(H), (R), (U)	GB	Based on permitted uses these should not need SE, can add performance criteria if necessary.	Long-term	yes	L
17		Remove "accessory to church"	3-804 (Z)	GB	If school is going to be allowed why does it need to be accessory to a church?	Quick-fix	yes	L (NS)
18	9	Move SE to permitted uses: Bank or financial institutions, Convention facility, Museum or Exhibition facility, Art Gallery, Personal Services Est. Add new uses: Tourism Center, Medical and professional care facilities & offices including in-patient, Hospice & assisted living facilities.	3-903(C),(E),(N), 3-904(A)(O)	CLI	Many of these uses are clearly commercial in nature and shouldn't have any problem blending within a CLI planned community.	Quick-fix (Requires creation of new definitions for those uses not already defined)	yes	M
19	9	Make By Right: Art Gallery; Bank or Financial Institution; Distribution Facility; Kennel, indoor; Motor vehicle sales; Personal Service Est; Private club or lodge; Restaurant; Retail sales est	3-904 (A), (C), (H), (J), (M), (O), (P), (S), (T)	CLI	Make SE uses by right, with performance standards if necessary.	Quick-fix (except for motor vehicle sales - keep as SPEX)	yes	M
20	9	add fast food restaurant as by right use	3-903	CLI	Add flexibility for mixed convenience centers consisting of service station, retail, and restaurant uses; sit down restaurant doesn't always work, so fast food offers a reasonable alternative.	Quick-fix	yes	M
21	9	Eliminate or reduce minimum lot size requirements for CLI properties	3-905(A)	CLI	Existing properties were created under older zoning ordinances & these minimums make it difficult for them to ever become conforming lots under the CLI ordinance thus limiting their potential for development; reduce lot size to 1 acre	Mid-Term: this & next 5 issues reviewed by DSA	yes	M
22	9	Increase the maximum lot coverage to 60%	3-906 (A)	CLI	45% is too restrictive if you want to encourage the best use of our scarce commercial land	Mid-Term (1)	yes	M
23	9	Building Heights in Excess of 45' to 55'	3-906(B)	CLI	Reduce additional setback requirements for buildings that exceed 45-feet in height.	Mid-Term (2)	yes	M

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24	9	Increase building height base from 45 ft. to 55 ft	3-906 (B)	CLI	Encourages more vertical development including building over parking structures	Mid-Term (3)	yes	M
25	9	increase max height with setback requirements to 75 ft			Encourages more vertical development including building over parking structures	Mid-Term (4)	clarify	clarify
26	9	Increase base FAR to .5	3-906 (C)	CLI	Encourages higher density in the CLI zoning district	Mid-Term (5)	yes	M
27	9	Land Assemblage	3-906 (D)(1)(b)	CLI	Allow CLI property owners to submit joint applications without actually consolidating the lots into joint ownership.	Mid-Term	yes	M
28	9	Increase amount of accessory office	3-907(E)(1)	CLI	Current 20% limit too restrictive, increase to 40%	Long-term	yes	M
29	9	Increase accessory retail sales & personal service	3-907(E)(3)	CLI	Increase limit to a more reasonable 25%	Long-term	yes	M
30	9	Redefine accessory outdoor	3-907(E)(4)	CLI	Allow up to 25% of site area for outdoor storage, rather than 25% of GFA	Quick-fix	yes	M
31	9	CLI Access	3-907(F)	CLI	As currently interpreted, this clause only allows right-turn-in entrances, prohibiting exits of onto Route 50. This clause should be changed to "shall be limited to right-turn-in and right-turn-out entrances only as approved by VDOT".	Long-term	yes	M (NS)
32	9	add SFA and MF dwelling units as accessory use	3-909(H)	CLI	revise to permit SFA & MF as accessory uses in the CLI subject to performance standards – yet to be developed	Quick-fix	yes	M
33	8	MR-HI is really two districts	3-1001	MR-HI	Separate MR & HI into 2 districts since some uses are not dependent on MR industry	Long-term (DSA review district)	yes	L
34	8	Reduce minimum district size	3-1002	MR-HI	Reduce minimum district size for HI properties to eliminate non-conforming issues	Long-term	yes	L
35	8	motor vehicle sales	3-1003	MR-HI	add motor vehicle sales accessory to repairs	Quick-fix	yes	L
36	8	Remove SPEX use to permitted	3-1004(A)(B)(F)(G)(M)(O)(P)(T)(U)(V)(X)(BB)(EE)(FF)(GG)	MR-HI	Make SE uses by right, with performance standards if necessary.	Long-term	yes	L
37	8	Revise Lot requirements	3-1005	MR-HI	Reduce Size, Width, Depth, Length/Width, Yards, and reduce Yards between uses.	Long-term	yes	L
38	8	Increase Height	3-1006(B)	MR-HI	Permit 60' maximum height and increase to 120' with additional setbacks	Long-term	yes	L
39	7	Add to permitted uses in PD-OP	4-303	PD-OP	Add to permitted uses: hospital, outpatient medical care, fire/rescue station, school, gas pumps accessory, car wash, police station, auxiliary uses, personal service est. retail, auto service station			H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
40	2	Modification		All	Permit modification of district regulations by SPMI for all zoning districts, not just PD.	Mid-Term	yes	L
41	7, 9	Facilities for Lessons		CLI, PD-IP, PD-OP	Allow facilities for lessons and dance as by-right use	Quick-fix	yes	L
42	9	Dog Daycare	Article 3		Add use in variety of districts	Mid-Term	no	L
43		Flexibility to meet market conditions and demands	Article 4		Adopt Fairfax Corner model as basis for amended/new district for mixed use development	Long-Term	noted	noted
44		Standard, non-PD Districts			There should be more standard commercial and industrial zoning categories. Have graduated commercial districts to have more intense uses.	Long-Term	noted	noted
45	7	Expand permitted uses, (Uses supportive & complimentary)	4-503(N)	PD-IP	Increase complimentary uses such as personal service establishments, restaurants, hotels, convenience stores to provide amenities for tenants.	Quick-Fix (def) Long-term (compl uses)	yes	H
46	7	Addition of accessory sales	4-507	PD-IP	Industrial Zones should build in flexibility by allowing by right - associated/ancillary uses such as retail up to a certain % of space to allow wholesalers, contractors (ie kitchen counters, flooring), mfg with a showroom. similar to the industrial zones in Fairfax.	Long-Term	yes	H
47		Density Bonus- Larger land assembly			As for PD-MUB, allow bonus density for unified development and assembly of larger parcels- Arlington Model	Long-Term	clarify	clarify
48		Density Bonus- Child Care Centers	All commercial		Reward for convenient child care; create incentive for incorporation into development- Arlington Model	Long-Term	clarify	clarify
49		Density Bonus- Community Facilities	All commercial		Reward for Cultural Arts Center (community theatre) and create incentive for incorporating into development.	Long-Term	clarify	clarify
50	7	Allow Building Heights in Excess of 45'	4-206(C), 4-306(B), 4-406(B), 4-506(B), 4-606(B)	PD-GI, PD-IP, PD-RDP, PD-OP, PD-CC	Reduce add'l setback requirements for bdgs that exceed 45-feet in height to encourage monument type buildings and reduce overall bldg footprint/impervious surface associated with the desired FAR/overall sf.	Long-Term	clarify	H
51		Yards adjacent to roads in CC	4-205(C)(1)	PD-CC	Make the same for all (i.e.35' building, 25' parking), except for roads per 5-900	Quick-Fix	yes	L
52		Yards adjacent to ag and residential uses	4-205(C)(2)	PD-CC	100' is too restrictive, especially for NC and CC use, use graduated scale, 35' NC , 50' for CC	Quick-Fix	yes	L
53		Accessing regional centers	4-206(D)(4)	PD-CC	Doesn't make sense. You can't have direct access onto arterial road from individual lot.	Mid-Term	clarify	clarify

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54	7	Private school accessory to church	4-304(S)	PD-OP	Why restrict private schools only as accessory to church when public schools allowed by SE as stand alone use	Quick-fix	no	L
55	7	Stand alone accessory uses require SE	4-303(F) & 4-304(F)	PD-OP	If certain accessory uses by right if in same building why require a SE if accessory uses is stand alone. Make pad sites by right also.	Long-Term	yes	L (NS)
56	7	Accessory uses	4-303(F), 4-307(A), 4-400	PD-OP PD-RDP	First section allows up to 20% of building to have accessory uses. Second section limits the land area for accessory uses to 5%. Why not make the limit be by sf regardless. Why limit the area of stand alone uses.	Long-Term	yes	M
57	7	Differentiation of uses (Telecommunication antenna; Telecommunication monopoles; Radio, radar and/or television tower)	4-303(Z)&(AA), 4-304(D)	PD-OP	Why make radio, radar and/or TV towers SE use when telecom antenna & monopoles are by right under certain circumstances	Quick-fix	yes	L
58	7	Repetitive SE uses (Auxiliary uses; Restaurant)	4-304 (F) &(N)	PD-OP	(F) says can have restaurant by SE as auxiliary SE use, so no need to restate it again in (N)	Quick-fix	no	M
59	7	Special Exception uses PD-OP	4-304	PD-OP	Hotel, Med. Care Fac.- outpatient only, Restaurant, Priv. School	Quick-fix	yes	H
60	7	Hotels as SE use	4-304(C)	PD-OP	Make hotels by right, expand performance standards if necessary	Quick-fix	yes	H
61	7	FAR Averaging	4-306(C)&4-506(C)	PD-OP PD-IP	Allow FAR averaging in PD-OP & PD-IP similar to Sec 4-401(D) RDP district. Allows greater flexibility to respond to market demands	Quick-fix	no	M
62		Need for Zoning District	4-400	PD-RDP	Is this district needed anymore? Originally created when the max FAR in PD-OP was .4. By including research uses a property owner could get a higher FAR. Since OP now allows these higher FARs why not eliminate this district and reman these areas to OP.	Long-term	yes	L (NS)
63	4, 7	Data Center Uses	4-303,4-400 & 4-500	PD-RDP, PD-IP, PD-OP	Add Data Center as a Permitted Use with performance standards	Quick-fix	yes	H
64	7	Remove restrictions/qualifiers for office; Conflicting & confusing provisions	4-500 4-503 4-504	PD-IP	Allow 100% office in PD-IP with special exception; 4-503(G)indicates you can only have office by right in certain locations. This is reinforced by 4-504(A). However in implementation this isn't the case. Remove 4-504(A). Move subparagraphs of 503(G) to 5-600 as performance standards.	Quick-fix	yes	H

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65	7	SPEX uses PD-IP (Educational institution; Hotel/Motel/ Medical care facility); Medical Care Facility treat as Office	4-504 (C),(G) &(O)	PD-IP	Educational, Medical Care -Outpatient, Public and Private School; Treat Medical Care Facility as Office	Quick-fix	yes	H
66	other	Permitting Uses and maximizing building size to reduce typical PD-GI uses	4-603	PD-GI	PD-GI zoning is rare enough without further limiting its availability by allowing PD-IP uses. Compromising the zoning categories to maximum building sizes at the expense of the intended land use itself. The question is how important is it to preserve zoning that supports PD-GI uses around the airport	noted	noted	noted
67		Yard requirement excessive	4-605(B)(2)	PD-GI	100' building setback excessive, reduce to the same as parking setback 50'	Long-term	yes	H
68		Placement in ordinance	4-607(J)	PD-GI	This section should be moved to Chap 5 as performance standard.	Quick-fix	no	H
69		Minimum lot size too big	4-705(A)	PD-SA	Min lot size of 10 ac too large for many of the permitted & SE uses. Reduce to 1 ac.	Mid-Term	yes	L(NS)
70		Excessive building setback	4-705(B)(2)	PD-SA	Reduce 100' building setback to 50'	Long-Term	yes	L
71		Why SE for increased building height	4-706(B)	PD-SA	Why require SE for increased building height, should be bulk plane requirement like other districts	Quick-fix	no	L
72		Required yard too large	4-805(F)(1)	PD-TC	The Town Center is a more urban environment, so the setbacks from roads too great. Reduce to 10'.	Quick-fix	no	M
73		Scrivener's Error	4-806(B)	PD-TC	The bulk plane requirement refers to 35' when max heights allowed are 60' and 40' without bulk plane	Quick-fix	no	L
74		Civic use (use limitations)	4-808(H)	PD-TC	As this district should seek to promote the vertical integration of uses, the civic use should be a % of the building SF not land area. Ten percent is too much, 2% is more realistic.	Long-Term (definition, %, and % based on)	yes	L
75		Size of indoor recreation facility	4-1010(D)(3)&4-1111(D)	PD-TREC, PD-TRC	10,000 SF is too restrictive given the potential size of today's health clubs. Increase to at least 20,000 SF	Quick-fix (health & indoor rec 2 uses; move standards to 5-600)	yes	L
76		Landscaped open space & canopy coverage	4-800, 4-1000	PD-TC, PD-TREC	all two sections should be like 4-1116, allowing canopy coverage and landscaped open space to be calculated on a development wide basis.	Quick-fix	no	L

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77		Use of private streets	4-800, 4-1000	PD-TC, PD-TREC	Due to the issues that meeting VDOT streets have on design flexibility, all uses should be allowed to front on private streets, similar to the provisions of 4-1121(B)	Quick-fix	no	L
78		Need for a CDP & FDP	4-1003 & 4-1103(B)&(C)	PD-TREC, PD-TRC	Need for both a CDP&FDP which lengthens processing time & cost. Combine into one or co-process.	Mid-Term	yes	L
79		SF of college or univ use	4-1004(A)(12)&1005(A)(3) & 4-1104(A)(10)&1105(A)(1)	PD-TREC, PD-TRC	Why require a college or Univ. to go through SE if over 50,000 SF?	Quick-fix	yes	L
80		Requirement of convention exhibit facility to be inside footprint of hotel & above or below 1st floor	4-1004(A)(16) & 4-1104(A)(16)	PD-TREC, PD-TRC	Requirement is too limiting for a desired use. Facilities are not designed this way.	Quick-fix	no	L
81		Parking Garages	4-1005(A)	PD-TREC	Add Commuter Parking Garage	Quick-fix	yes	L
82		No room for outdoor seating	4-1006(A)(1)	PD-TREC	There needs to be flexibility to have buildings more than 10' from front property line, if outdoor seating is provided for a permitted or SE use.	Mid-Term	yes	L
83		Min district size too large	4-1002(B)	PD-TREC	the 40 acre min. district size too large, as is incremental additions. Make min. district 25 acres, additions 10 acres	Mid-Term	yes	L(NS)
84		Eliminate restrictions in size	4-1004(A)(1), (12), (16), (18), (20), (29), (31), (32), (34), (37), (41)	PD-TREC	(1) eliminate restrictions in size or location and (2) make SE uses, such as school, stadium, food store and funeral home/mortuary by-right	Mid-Term	yes	L
85		Allow Mixed use on smaller sites	4-1350 and 4-800	PD-MUB and PD-TC	Allow mixed use on smaller sites; reduce minimum size.	Quick-fix	yes	L
86		Airport Impact Overlay District	4-1400	AI	Confirm that the overlay boundaries reflect the current flight path/runway configurations	Mid-Term	yes	H(NS)
87	5	FOD	4-1505	FOD	(1) Allow SWM/BMPs and parking in major floodplain and allow density credit for major floodplain on site; (2) allow more development in FOD	(1) Quick-fix; (2)Mid-Term	yes	L(NS)
88		Limestone Overlay District	4-1900	LOD	Remove technical requirements associated with boring depths, etc and place in FSM with other like technical studies and associated requirements	Remove from ZO and put into FSM	done	

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
89		Mixed Use and vertical integration of uses	Article 4		Allow for mixed use and vertical integration of uses including multifamily	Long-term	clarify	clarify
90		Parking Garages in Transit Related Districts	Article 4		Permit parking garages in transit related districts	Quick-fix	issue	L
91		Administrative process or SPEX to go from PD-IP to PD-OP			Create easy streamlined process to go from PD-IP to PD-OP	Long-term	no	H
92		Add Outdoor Amphitheater to permitted uses	4-1004	PD-TREC		Mid-Term	yes	L
93		FAR			Increase maximum FAR above 1.0 in mixed use developments	Mid-Term	clarify	clarify
94	7	Expand permitted uses	4-307(A) and 4-503	PD-OP and PD-IP	Increase amount of accessory uses such as personal service establishments, restaurants, hotels, convenience stores to provide amenities to attract tenants; add retail as accessory.	Quick-fix	yes	H
95		Child Care Center and Church Uses	4-803	PD-TC	Disconnect between fringe and core uses; listed as both permitted and SPEX use in the fringe.	Quick-fix	no	L
96	7	Convenience Store/Auto Service Station	4-504	PD-IP	Car wash is SPEX and "car wash accessory to food store" and "gas pumps accessory to convenience food store" are both SPEX uses. However, "convenience food store" isn't listed as permitted	Quick-fix	no	L
97	7	Dog Daycare	Article 4		Add use in variety of districts	Mid-Term	no	L
98	14	Home Occupation	Article 4		Allow use as permitted accessory use in all districts that allow residential.	Quick-fix	no	M
99		Motorcycle Sales	4-600	PD-GI	Add motorcycle sales or revise definition of "motor vehicle sales" to include motorcycles.	Quick-fix	no	M
100		Research and Development Park	4-401(C)&(D)	PD-RDP	Review whether sections are inconsistent w/4-406, Building Requirements. Group RDP together and consider elimination of district.	Long-term	yes	L
101	6	Temporary Special Events	5-500(C)(6)		Add provision to permit Bed & Breakfast Homestay/Farmstay, Bed & Breakfast Inn, and Country Inn to receive annual special event permit for the total number of allowed events in a calendar year.	Mid-Term (REDC to draft holistic change)	no	H
102	6	Temporary Special Events	5-500(C)(7)		Allows 20 special events with number greater than those within the Bed & Breakfast regulations of 5-601. Also removes requirement for 14 days to elapse between temporary zoning permits and allows for one permit application with one fee . Note: this affects any site that hosts special events, not just Bed & Breakfasts or Country Inns.	Mid-Term (REDC to draft holistic change)	yes	H

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103	6	Temporary Special Events	5-500(E)(2)		Inserts reference to annual permit proposed to be permitted under 5-500(C)(7).	Mid-Term (REDC to draft holistic change)	no	H
104	6	Bed & Breakfast Homestay/ Farmstay New Use	5-601 (A)(6)(a)		Create new use, Bed and Breakfast Homestay, and additional standards for 1-6 guest rooms, no minimum lot size.	Mid-Term (REDC to draft holistic change)	yes	H
105	6	Bed & Breakfast Inn	5-601(A)(2)		Bed & Breakfast Inns shall be subject to Virginia food service regulations and sanitary regulations for hotels.	Mid-Term (REDC to draft holistic change)	yes	H
106	6	B&B Homestay/ Farmstay and B&B Inn Weddings and Parties For Profit	5-601 (A)(3)		Allow for-profit activities without temporary permit for up to 50 attendees on up to 5 acres; up to 100 attendees on more than 5 acres.	Mid-Term (REDC to draft holistic change)	yes	H
107	6	B&B Homestay/ Farmstay and B&B Inn Weddings and Parties For Profit	5-601 (A)(3)		Allow 20 for-profit events for more than the permitted attendees by annual temporary zoning permit.	Mid-Term (REDC to draft holistic change)	yes	H
108	6	B&B Homestay/ Farmstay and B&B Inn Weddings and Parties For Profit	5-601 (A)(3)		Remove requirement for proof of necessary approvals to accompany temporary permit application from county agencies, such as Health Department and Fire Department.	Mid-Term (REDC to draft holistic change)	yes	H
109	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn Owner must reside on premises	5-601 (A)(1)		Require owner to reside on premises when occupied by guests (delete manager)	Mid-Term (REDC to draft holistic change)	yes	H
110	6	B&B Inn New Use	5-601(A)(6)(a)		Create new use, Bed and Breakfast Inn and additional standards for 7-10 guest rooms, no minimum lot size.	Mid-Term (REDC to draft holistic change)	yes	H
		combined with No. 99						
		combined with No. 98						
111	6	B & B Homestay/ Farmstay and B&B Inn Time elapse between events	5-601(A)(3)		Eliminate requirement for two weeks to elapse between larger events, as most events are held in just four months of the year.	Quick-fix	yes	H
		delete						
		delete						
112	6	B&B Homestay/Farmstay and B&B Inn FAR	5-601(A)(6)(b)		Eliminate FAR maximum requirement	Mid-Term (REDC to draft holistic change)	yes	H(NS)

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113	6	B&B Homestay/Farmstay and B&B Inn Landscaping/Buffer/Screening	5-601(A)(6)(c)		Eliminate Landscaping/Buffering/Screening Requirements	Mid-Term (REDC to draft holistic change)	yes	H(NS)
114	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn Parking	5-601(A)(6)(d)		Remove loading parking space requirement; remove requirement for dust free surface	Mid-Term (REDC to draft holistic change)	no	H
115	6	Bed & Breakfast Inn Exterior Lighting	5-601(A)(6)(e)		Eliminate requirement that exterior lighting is only for security purposes. Permit shielded porch lights and shielded pole lights up to 8 feet in height.	Mid-Term (REDC to draft holistic change)	yes	H(NS)
116	6	B&B Homestay/ Farmstay and B&B Inn Noise	5-601(A)(6)(f)		Specify noise regulations include facility, grounds or outbuildings.	Mid-Term (REDC to draft holistic change)	no	H
117	6	Country Inn For-profit weddings and parties	5-601(B)(2)		Allow up to 150 guests at for-profit activities without requirement for temporary zoning permit.	Mid-Term (REDC to draft holistic change)	yes	H
118	6	Country Inn For-profit weddings and parties	5-601(B)(2)		Allow 20 for-profit events for more than the permitted attendees by temporary zoning permit.	Mid-Term (REDC to draft holistic change)	yes	H
119	6	Country Inn For-profit weddings and parties	5-601(B)(2)		Remove requirement for proof of necessary approvals to accompany temporary permit application from county agencies, such as Health Department and Fire Department.	Mid-Term (REDC to draft holistic change)	yes	H
120	6	Country Inn Time elapse between events	5-601(B)(2)		Eliminate requirement for two weeks to elapse between larger events, as most events are held in just four months of the year.	Mid-Term (REDC to draft holistic change)	yes	H
121	other	Rural Uses	5-626 & 5-627		Little acknowledgement or deference paid to common agricultural practices. Can be discouraging agricultural uses	clarify	noted	noted
122	13	Stables & Equestrian Uses	5-627 & 5-630		Why are there so many categories of stables and equestrian facilities? Process difficult to build 20 stall stable. Why are 5-627 and 5-630 so rigorous and onerous?	Mid-Term	no	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
123	13	Additional Regulations	5-600		Most of the Section 5-600 Additional Regulations pertaining to rural economic uses contain standards for acreage, number of visitors, number of vehicles, floor area, lot coverage, setbacks, buffers, driveway types, and hours of operation. These should be standardized to the extent practical, to be more accommodating to mixed uses as well as to be less confusing. Prepare a matrix and compare.	Mid-Term	no	H
124		Setback from arterial road	5-900(A)(9) & (14)		The regulations in (9) create a min setback from Rt 50, an arterial road, of 100' for bldgs and 75' for parking. 5-900(14) should be modified to be more liberal: (1) allow reductions of rear setbacks & buffer yards (2) allow min of 110' for development (60' for two-bay parking, 40' for bldg depth, and 10' for s/w & landscaping between prkg and bldg), (3) exempt or allow liberal mods for ex non-conforming bldgs & prkg lots so owners are encouraged to upgrade & maintain sp, so properties do not become derelict: (a) allow minor expansion & improvements of bldg and prkg areas, incl paving of prkg areas (b) allow change-in-use w/o requiring site to be brought into compliance (i.e. retail could change to office) (c) apply mod to landscaping & buffering reqmts as well as setbacks.	Mid-Term	yes	clarify
125		Reduce setbacks along major highways	5-900		Showcase commercial development versus hiding from view of major transportation corridors.	Quick-fix	yes	M
126		Parking	5-1100		Office and Business Reduce to 3/1000- More mixed use, more pervious	Quick-fix	no	H
127	6	Parking - Bed & Breakfast	5-1102(B)(1)(3)		Add to residential parking requirements reference to read: bed and breakfast homestay/farmstay, bed and breakfast inns.....	Quick-fix	yes	M
128	other	Signage in right of way	5-1200		Illegal signage is against VA Code 33.1-369. Current ordinances under section 5-1200 allow for permits to be issued to businesses (and others) to legally place signs outside the right of way, on private property with the permission of the owner. Any changes to these ordinances will NOT allow signage in the right of way regardless of the ordinance.	not Zoning Ordinance issue	noted	noted
129		Sign measurement	5-1200		Area measured by area of lettering only on free standing	Quick-fix	yes	L
130		Signage	5-1200		"Coming Soon"- 1 year limit- Name of GC?	Mid-Term	yes	L(NS)
131		Signage	5-1200		Base size on speed limit of frontage road.	Mid-Term	yes	L

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
132		signage	5-1200		Make changes to sign regulations to allow greater sign visibility for arts.	Long-Term	no	L
133	11	Age of trees for calculating canopy coverage	5-1303(A)&(B)		Sec 15.2-961 of the State Code says age of trees for calculating canopy coverage should be 20 years. The County should not be using the more restrictive 10 year age.	Quick-fix	yes	L
134		Employment minimum use percentage is restrictive for smaller MUB's and may not fit in all locations	4-1355	PD-MUB	40% is too restrictive for smaller MUB's and isn't practical in many locations. Reduce 20% for applications under 50 acres and allow mix of uses and phasing to be market driven removing the requirement that "Employment Uses shall always have the largest percentage of floor area in the district"	Quick-fix	yes	L(NS)
135		Location of plaza	4-1355(B)	PD-MUB	The placement of open space plaza area should be design driven. No proof that surrounding a plaza with building is the best design strategy.	Mid-term	yes	M
136		Building designs surrounding the central plaza	4-1355(B)(iv)	PD-MUB	Remove design requirement "commercial uses on the first floor and a mix of uses on the floors above for all buildings surrounding the plaza". No evidence that this is the best way to design a plaza	Mid-term	yes	M
137		Vertical mix of uses too restrictive	4-1355(C)	PD-MUB	50% is too restrictive. Vertically mixing uses within the same building can be problematic for some uses. Should be market and design driven	Mid-term	yes	M
138		Increase residential density maximum to R-24	4-1357(B)	PD-MUB	Projects with predominance of smaller unit sizes, such as studio flats, 1-BR w/ or w/o den may benefit from increased residential densities. Higher densities may also help smaller projects reach the critical unit numbers to attract quality apt owners/operators.	Mid-term	yes	M
139		Move some landscaping to FSM	5-1403, 5-1404, 5-1407, 5-1413 & 5-1414(C)		Technical in nature, move to FSM	Quick-fix; refer to FSM	yes	L
140	12	Buffer yard width	5-1414(B)(2)		Buffer yard width should not have to be wider then required setbacks.	Mid-Term	yes	L(N/S)
141	5	Steep slopes	5-1508(B)(2)		Add text saying man-made steep slopes from activities such as quarrying and stock piling of stone/earth for rock crushing & earthmoving operations, are exempt from these provisions.	Quick-fix	no	H
142	5	Steep Slopes	5-1508(D)(1)		Permit some land disturbance activities within very steep slopes; increase 5,000 sf limit; reduce burden of proof	Quick-fix	no	L

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
143	5	Steep Slopes	5-1508		Remove applicability to Eastern Loudoun as instances are primarily manmade (i.e. stockpiles, road grades, etc.) and overall site grading eliminates risks and safety factors	Mid-Term	clarify	L(N/S)
144		Unnecessary landscaping			Requirement to buffer between all uses assumes parking and buildings are unattractive when should showcase buildings.	Quick-fix	clarify	clarify
145		Accessory Building	5-100		Delete criteria from definition and move to 5-100. Increase max size for commercial and industrial uses.	Quick-fix	no	M
146		Accessory Use	5-102(F)		Modify ownership requirements to allow accessory use/structure to be operated by third party (ie. Child care and monopolies)	Quick-fix	yes	L
147	13	Conference & Training Centers (level 4)	5-640(A)		References 5-1300, should be 6-1300.	Quick-fix	no	L
148	13	Contractor Service Establishment	5-600		Add standards for use. Move standards from definition to 5-600.	Quick-fix	no	M
149		Temporary Uses	5-500		Clarify meaning of development as it related to temp uses such as sales trailer	Quick-fix	no	L
150	13	Health and Fitness Center	5-600		Create performance standards for use; move standards from definition	Quick-fix	no	L
151		Home Occupation	5-400		Add to list of permitted accessory uses and eliminate from individual zoning districts	Quick-fix	no	M
152	13	Home Service Establishment	5-600		Create performance standards for use; move standards from definition	Quick-fix	no	L
153	13	Mill Feed and Farm Supply Center	5-600		Add standards for use. Move standards from definition to 5-600.	Quick-fix	no	M
154	13	Nursery, commercial	5-605		Remove standards from definition and create performance standards 5-605.	Quick-fix	no	M
155	13	Outdoor storage	5-600		Create standards for use.	Quick-fix	no	H
156	13	Outdoor storage, accessory	5-600		Create standards for use.	Quick-fix	no	H
157	13	Personal Service Establishment	5-600		Remove standards from definition and create performance standards in Article 5-600	Quick-fix	no	M
158	13	Restaurant	5-643		Revise standards to include JLMA-2.	Quick-fix	no	L
159	13	Small Business	5-614		Move standards from definition. In 5-614(C) reference to 5-614(H) needs to be changed to reference 5-614(F). 5-614(D) conflicts w/Section 2-102 & 2-202. 5-614(D) requires full SPEX for lots smaller than 10 ac AR-1 & AR-2 while those sections call for a SPML.	Quick-fix	no	M

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
160	13	Sports fields			Create separate use and performance standards for sports fields.	Long-term	no	M
161		Signage	5-1200		Signage issues; sign in ROW; size of rural sign	Mid-Term	yes	M
162	13	Monopoles	5-618		Permit monopoles in variety of districts with performance standards for location, height, etc. Allow taller monopoles in order to reduce number	Long-term	yes	M
163	1	Annual Review	6-400		The Zoning Ordinance needs to add provisions for ongoing reviews by ZORC.	Quick Fix	no	H
164	2	Inactive applications	Article 6		Amend to be more definitive as to when an application goes from inactive to "dead/withdrawn/closed"; provide certainty	Quick-fix	no	L
165	10	Site Plans	6-702		Requirement to include prior approved proffers, SE notes, conditions, etc with submission of each plan, is burdensome & redundant. The inclusion of data to show proffer compliance for an entire 1,000 acre development when you are the last few land bays being developed is redundant and burdensome.	Quick Fix	yes	H(NS)
166		Site Plans - Rural	6-700 & FSM		The site plan criteria needs to be revised so as to include only that minimal information necessary to ensure that the use will meet County zoning and land development standards, eliminating such courtesies as vicinity maps, etc.	Send to FSM	no	H
167	6	Site Plans - Bed & Breakfast Homestay/Farmstay and Bed & Breakfast Inn	6-700		Exempt Bed & Breakfast Homestay/Farmstay and Bed & Breakfast Inn from requirement to obtain a site plan.	Quick Fix	yes	H
168		Exemption from permit fees	6-1000		In order to encourage solar installations, exempt them from permit fees. Allow contractors to obtain a permit by "walking it through" in a single day.	Long Term	no	L
169	other	Simple ZRTD process	6-1200		ZRTD should be easy	Send to Rt 28	noted	noted
170	2	SPEX/ZMAP process	6-1200		The rezoning and special exception process needs to be completely re-designed.	Process	noted	H
171	2	Text Amendment Processed with applications	6-1200		Allow text amendments with applications	Process	yes	H
172	2	Notice requirements	6-1200 and 6-1300		Loudoun County has greater notice requirements than required by Virginia Code	Quick Fix	no	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
173	2	SPEX Plat Content	6-1300		Allow more "concept" less detail on the SE plat so applications won't have to be refiled when they make minor adjustments	Quick Fix	yes	H
174	2	Checklist Time Frame	6-1304, 6-1203		Reduce checklist review from 4 weeks to 1 week	Quick Fix	no	H
175	2	Reduce Acceptance Review Period/checklist process	6-1300		Reduce acceptance review period to 15 days; shorten checklist review period.	Quick Fix	no	H
176	2	Special Exception Timeline	6-1305		Condense process so it can be achieved in 90 days	Quick Fix	no	H
177	2	Special Exception Issues List	6-1310		Consolidate/Reduce list of "issues to be addressed" in the Zoning Ordinance - currently there are 20	Quick Fix	no	H
178	2	Scheduling of Public Hearings	6-1200 and 6-1300		Commit to public hearing date upon application; provide list of dates w/"intro letter"	Quick Fix	yes	M
179	2	Checklist Content	6-1300		Reduce submission requirement for SE to make it less costly and complicated for the average business.	Process	no	H
180	2	Zoning Concept Plan Detail	6-1508		Return to "Bubble Plans" at Zoning stage to avoid having to do ZCPA's for minor changes	Process	yes	H
181	2	ZCPA/Proffer Amendment Process	6-1511		Permit changes to approved CDP's or proffers by minor SE & expand situations upon which ZA can modify administratively	Process	yes	H
182	2	Modification to Proffers	6-1511		Administrative zoning modification to proffers provided density not affected	Process	yes	H
183	2	Period of Validity	6-1313		Increase period of validity	Quick Fix	no	L
184		Zoning Permit	6-1000		Don't require zoning permit for chicken coops, run in sheds and other typical small farm buildings located on farms with farm plans	Quick Fix	yes	L
185		Site Plan	6-700 & FSM		Complicated process with associated expenses to revise site plan.	Mid-Term	noted	H
186	13	Expand definition	Article 8		Indicate that "cultivation of plants" includes the growing of plants in containers for at least one full growing season.	Quick Fix	no	L
187	13	Commercial nursery	Article 8		Indicate that "cultivation of plants" includes the growing of plants in containers for at least one full growing season.	Quick Fix	no	L
188	13	Parking Garages	Article 8		Add Definitions for Parking Garage (facility/structure) and Commuter Parking Garage	Quick Fix	no	L
189	13	Parking garage	Article 8		Clarify. Should parking garages be treated as buildings or as parking areas in terms of required setbacks or yards	Quick Fix	clarify	clarify

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
190	4, 13	Definition of Data Center	Article 8		See definition: Data Center. A data center or other facilities used to house computer systems and associated components, such as telecommunications and storage systems, coding systems, power supplies and systems for managing property performance (including generators), and equipment used for the transformation, transmission, distribution or management of electricity (including substations), internet-related equipment and services, data communications connections, environmental controls and security devices, structures and site features and related uses.	Quick Fix	no	H
191	6, 13	B&B Homestay/ Farmstay	Article 8		Create definition for Bed and Breakfast Homestay/Farmstay that is owner-occupied for 1-6 guest rooms on no minimum acreage.	Quick Fix	yes	H
192	6, 13	Bed and Breakfast Inn	Article 8		Create definition for Bed and Breakfast Inn for 7-10 rooms on no minimum acreage.	Quick Fix	yes	H
193	13	Performing Arts Center	Article 8		Expand definition of Performing Arts	Quick Fix	no	L
194	13	Civic Use	Article 8		Revise to be consistent in all zoning districts	Quick Fix	no	L
195	13	Rural Recreational Establishment, Outdoor	Article 8		Remove paintball from rural zoning.	Long-Term	yes	H
196	13	Winery	Article 8		Check if percentage of structure allowed for tasting room is sufficient. Currently 25%.	Mid-Term	no	H
197	13	Vineyard	Article 8		Look at how vineyards are defined - not agriculture, but horticulture.	Mid-Term	noted	noted
198	13	Accessory Building	Article 8		Delete criteria from definition and move to 5-100. Increase max size for commercial and industrial uses.	Quick Fix	no	L
199	6	Bed and Breakfast	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	H
200	6	Bed and Breakfast Homestay	Article 8		B&B Homestay permitted in TR but not defined; add definition to Article 8.	Quick Fix	no	H
201	13	Business Service Establishment	Article 8		Add provision for 20% of GFA for retail sales associated with the business; move to 5-600, not definition; increase %	Mid-Term	clarify	H
202	13	Coffee/Teahouse	Article 8		Delete standards from definition b/c in 5-641. Consider adding to other districts.	Quick Fix	no	L
203	13	Commercial Vehicle	Article 8		Create definition	Quick Fix	no	L
204	13	Contractor Service Establishment	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	M

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
205	13	Gas/Auto Service/Convenience w/Gas	Article 8		Create new definition that combines convenience store with gas, auto service station in order to reflect current use	Quick Fix	no	M
206	13	Country Inn	Article 8		Delete standards from definition as located in 5-600.	Quick Fix	no	M
207	13	Craft Shop	Article 8		Delete standards from definition as located in 5-600.	Quick Fix	no	M
208	9, 13	Dog Daycare	Article 8		Add definition and provide for use in variety of districts	Quick Fix	no	M
209	13	Development	Article 8		Add definition	Quick Fix	no	H
210	13	Educational Institutions	Article 8		Conflict in definition. Definition includes secondary school which per LCPS is HS, but definition says "beyond HS".	Quick Fix	no	H
211	13	Farm Market	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
212	13	Farm Market (off-site production)	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
213	13	Food Store	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
214	13	Health and Fitness Center	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
215	13	Home Occupation	Article 8		Add definition of "hand crafted" as used in 5-400	Quick Fix	no	L
216	13	Home Service Establishment	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	M
217	13	Mill Feed and Farm Supply Center	Article 8		Remove standards from definition.	Quick Fix	no	M
218	13	Motorcycle Sales	Article 8		Add motorcycle sales or revise definition of "motor vehicle sales" to include motorcycles.	Quick Fix	no	H
219	13	Motor Vehicle Service and Repair, Heavy	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	L
220	13	Motor Vehicle Service and Repair, Light	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	L
221	13	Nursery, commercial	Article 8		Remove standards from definition and create performance standards 5-605.	Quick Fix	no	L
222	13	Outdoor Storage and Outdoor Storage, accessory	Article 8		Remove standards from definition and create performance standards	Quick Fix	no	L
223	13	Performing Arts Theatre, Performing Arts Center, Theatre, Indoor, and Theatre	Article 8		Add definition or revise Performing Arts Center and Performing Arts Theatre, Theatre, Indoor, and Theatre. Review all uses and combine if logical.	Mid-term	no	L
224	13	Personal Service Establishment	Article 8		Remove standards from definition and create performance standards in Article 5-600	Quick Fix	no	M
225	13	Restaurant	Article 8		Review various definitions of restaurant (carry-out, fast food, farm, etc)	Mid-term	no	M
226	13	Retail, Construction Establishment	Article 8		Remove standards from definition and remove reference to SPEX	Quick Fix	no	L

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
227	13	Retail Sales Establishment	Article 8		Remove standards from the definition and remove reference to SPEX	Quick Fix	no	L
228	13	Rural Resort/Rural Retreat	Article 8		Similar definitions; consider combining definition and use lists	Quick Fix	no	H
229	13	Small Business	Article 8		Remove standards from definition and move to 5-614.	Quick Fix	no	L
230	13	Storage Yards	Article 8		Reconcile the definition with the performance standards.	Quick Fix	no	L
231	other	Make properties under 5 ac eligible for ag land use if acreage on property is devoted to ag production that is earning in excess of the \$1,000 gross income requirement	Agricultural District requirements?		The reality of the higher value, direct market crops that Loudoun's farmers are now producing means that putting a 5 ac requirement on land use is no longer a sound policy. There are many properties under that acreage in production with crops like berries, wine grapes, and vegetables that exceed the income requirement and that income earned on much larger properties with "traditional" crops. State code allows this change, and Loudoun should allow smaller acreage parcels into the land use program.	not an Ordinance requirement; recommend referral to Ag District Mgr	noted	noted
232	other	Funding for extension office and Dept of Econ Develop			Not a regulation, but funding MUST remain in place for the few support services the county supplies for ag in the form of the extension office and economic development. Without these resources, all "regulation" could be removed and there would be a massive barrier to getting information and education out to producers on the ground. Farmland already returns to the county far more in tax revenue than it takes in services, so the few services it requires in return are critical.	comment; no action	noted	noted
233	other	Uses permitted in major FOD			Give more information, suggestions and options, and not just a process to follow, that can generate a lot of different interpretations, and spending of time and money. Wouldn't it be easier and more efficient just to mention what options will work and what won't?	not an Ordinance requirement; administrative issue	no	M
234	other	Rt 28			New Zoning must apply to all of Loudoun including Rt, 28 tax district	recommend referral to Rt 28	noted	noted
235		new Ordinance construction			Don't refine the process but start over. Review ALL uses - by right and SPEX to determine which are relevant and compatible with today's uses. This effort should not be to justify what we have. Don't de-facto add performance standards where the SE process is removed. It may be appropriate in some cases	Long-term	noted	noted
236	other	site plans	Site plan/FSM		A step by step process site plan approval list be provided.	administrative issue	no	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
237	other	Review occupancy permit process			The Occupancy Permit processes need examination to determine if the process of opening or relocating a business is business friendly.	recommend referral to Permitting	no	H
238	other	Permitting process			Ability to download permit applications (ie - building, zoning) and ability to apply online.	recommend referral to Permitting	no	H
239	other	Rural comment			It's taken years for Western Loudoun to develop "DC Wine Country"—an approach supports business & tourism AND preserve the rare natural beauty of this land. Don't mess this up by opening the garden gate to predatory development.	comment; no action	noted	noted
240	other	Development Review Committee			Reinstate the Development Review Committee Meeting & invite senior staff and the District PC member to meeting. This could help reduce issues raised late in the process by staff that result in delay and interruption in the review process.	recommend referral to Planning Dept.	no	M
241	other	Staff Team/Meeting			Utilize the Staff Team/Meeting approach to application review that is currently utilized for expedited review.	recommend referral to Planning.	yes	H
242	other	Uses permitted on map			Quick reference search to identify zoning uses by keying in specific address.	recommend referral to Mapping	no	H
243	other	Branding of Loudoun	All commercial/mixed use		Allow for uses that "brand" Loudoun (ie Wine and equestrian) to be in open space areas along major corridors.	recommend referral to Rt 28	yes	clarify
244		Comprehensive Plan and Zoning Ordinance don't match			Comprehensive Plan and Zoning Ordinance don't match	long-term	noted	noted
245		Allow for new, contemporary uses			Inclusionary zoning ordinance needed to allow contemporary uses. Ordinance contorted to make new uses fit.	long-term	noted	noted
246		Use past waivers/modification requests as baseline for amendments			Determine which waivers or modifications are consistently requested. Use this as a baseline for amendments.	long-term	noted	noted
247	2	Rezoning Process			Should be different rezoning process if application complies with the Comprehensive Plan	long-term	no	M
248		Transferable Development Rights			Allow for transferable development rights like Arlington.	long-term	noted	noted
249		Ordinance construction			Adopt form based code	long-term	noted	noted

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
250		Flexibility and conflicts			Review Ordinance construction PD vs. Euclidian zoning	long-term	noted	noted
251	other	Matrix of Uses/SPEX			Bring back list of uses and where they are permitted or SPEX	administrative issue	no	H
252	other	Geotechnical Requirements			Consider differing site plan requirements, for garages than for office buildings. A geotechnical soils report was required to build garage which was overkill.	recommend referral to Engineering	clarify	L
253	other	Site Plans			May be helpful to have an outline/information of what is needed from various departments in the County when submitting site plans.	administrative issue	no	H
254	other	Visitor economic impact			Visit Loudoun Annual Report states economic impact from leisure visitors to Loudoun County totaled \$13,165,108 including visits to B&Bs, equine events, historic properties, farm tours, artists studios, farm markets, restaurants. Tourism generated direct visitor spending of \$1.4 billion.	comment; no action	noted	noted
255		Use of existing buildings			Allow and encourage adaptive reuse of agricultural buildings for other commercial uses i.e. exterior still looks like a barn, etc but inside could be offices, data centers or other small business compatible with the neighborhood and scenic views.	long-term	no	M
256		Use of vacant property			Allow for more opportunities to convert vacant property into useful businesses.	REDC to review	yes	M
257	other	Easements			Look at the way Fairfax County requires or requests easements for natural surface equestrian and pedestrian trails	recommend referral to FSM	noted	noted
258		Migrant workers			Allow for less stringent requirements for housing migrant or temporary workers.	long-term	yes	NS
259	other	Temporary business permits			Consider allowing temporary business permits for start ups with full requirements in a one or two year period.	not Ordinance related	yes	L(NS)
260	other	Business expansion			It is difficult to expand existing businesses.	comment; no action	noted	noted
261	other	Change of use			Difficulty in changing buildings if use changes.	comment; no action	clarify	clarify

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
262	other	Caution with amendments			Be aware of potential damage done by removing setbacks, building height requirements, etc. What does the County lose by the changes?	comment; no action	noted	noted
263	other	Land use			Allow parcels of less than 5 acres that produce over \$1,000 per year to be in land use. This may require an ordinance change (not necessarily a Zoning Ordinance change).	recommend referral to Ag District Mgr	noted	noted
264	other	Business expansion			Existing business with 20 employees may leave county because of difficulty in going through process to expand.	comment; no action	noted	noted
265	3	Assistance throughout the process			Consider creating an ombudsman position within the county to help small business through the maze of county requirements and avoid excessive costs by having to redo applications.	recommend referral to Econ Devil	noted	H
					COMMENTS NOT SUBMITTED THRU STAKEHOLDER MEETING			
266		utility substation	4-1353	PD-MUB	With the described purpose and intent of PD-MUB, it seems appropriate to allow for the supportive infrastructure necessary for the business sector			
267		congregate housing facility	4-1200 & Article 8	PD-RV	expand use of conservancy lots; expand definition of "congregate housing facility" to include housing for unwed mothers; consider a commercial use rather than residential			
268	9	medical office	3-903	CLI	There is no reason Medical Office shouldn't be permitted as for PD-OP, especially with the growing population and the HCA hospital coming to the corridor.			

ARTICLE 6

Zoning Ordinance Review Committee. This committee shall meet to review in whole or in part the Zoning Ordinance for edits, corrections, changes, additions or deletions and shall advise the Board of Supervisors and Zoning Administrator of their findings and recommendations. Whenever a change in the Zoning Ordinance is proposed, the Zoning Administrator shall inform the Committee prior to requesting a public hearing for consideration of changes to the Zoning Ordinance.

~~This~~ The committee shall consist of at least seven representatives appointed by the Board of Supervisors of Loudoun County. The candidates for appointment may be any persons whom the Board of Supervisors deems qualified. In addition to public notification and request for citizen participation on the Review Committee, nominations shall be requested from, ~~but not limited to the following~~ organizations such as: NAIOP; Loudoun Chamber of Commerce; Economic Development Commission, Rural Economic Development Council, Northern Virginia Building Industry Association; Piedmont Environmental Council; Loudoun County Board of Realtors; local land use attorneys and land planners. The majority of members shall be actively involved in the Loudoun County community.

The committee shall meet at least twice a year (or more often if determined). Committee members shall elect a chairman. The Zoning Administrator or designee shall serve as County liaison to the committee. County staff members may serve as advisory staff to the committee but shall not be appointed to sit on committee. Members shall be appointed for a term of not less than one calendar year and no more than four calendar years and shall serve until replaced. Members may be reappointed. If a member resigns, the Board of Supervisors will appoint a replacement.

~~The committee shall meet at least twice a year (or more often if determined) to review the Zoning Ordinance and shall advise the Zoning Administrator of their findings and recommendations. Whenever a change in the Zoning Ordinance is proposed, the Zoning Administrator shall request the advice of the committee prior to requesting a public hearing for consideration of changes to the Zoning Ordinance.~~

Process Recommendations Summary

May 14, 2012

The process recommendations generally focus on 3 areas:

1. **Simplify the process to make it more affordable and manageable to average business**
2. **Reduce the timeline for review and approval to get business up and running sooner**
3. **Reduce the level of detail on the legislative document so that the approval is not so specific it can only apply to one user.**

Section 6-600 Notice Required:

1. Reduce public notice requirements from 2 to 1 per public hearing (current provision is for one between 21 and 30 days, and one at least 5 days prior)

Section 6-1300 Special Exception:

1. Make the Preapplication conference voluntary (may reduce timeline by 1 to 3 weeks)
2. Reduce Checklist review timeframe to between 5 and 10 days. (will reduce timeline by 2 to 3 weeks)
3. Reduce the referral timelines (may reduce the timeline by 2 to 4 weeks)
4. Simplify list of issues for consideration to things that are directly related to the change in use as compared to by right uses
5. Simplify the modification process

Special Exception Checklist Requirements:

1. Update checklist to match updated Article 6-1300
2. Make it clearer that most submission information can be based on County mapping
3. For "Use" only Special Exception Eliminate requirement to show footprint and parking, show location of "Use"
4. Eliminate expensive "Director May Require" items such as Cross Sections; Birds Eye View; 2' Topography
5. Replace traffic study with a traffic statement that addresses increase traffic generation (if any) by the special exception use as compared to by right uses. Similar to a ZRTD Application.
6. In order to set reasonable expectations, for the applicant the acceptance letter should include the following target dates:
 - a. Date to anticipate first referral comments
 - b. Resubmission date for responding to first referral comments
 - c. Date for receipt of second referral comments
 - d. Resubmission dates for responding to second referral comments
 - e. Deadline for submission of ad to county attorney's office
 - f. Planned Date of Planning Commission hearing
 - g. Planning Date of Board of Supervisors hearing

Section 6- 1200 Zoning Amendment:

1. Allow modifications to the district regulations except for uses, density or floor area.
2. Make preapplication meetings voluntary
3. Reduce Checklist review timeline
4. Add an application acceptance meeting for applicant to present the application to the staff reviewing it
5. Add a 1st review comments meeting for the review staff to inform the applicant of their findings
6. Reduce review timelines
7. Consolidate list of issues to be addressed.

Entitlement Process Volunteer Work Group (EPVWG)
Recommendations on Special Exception Checklist
April 30, 2012

1. Update checklist to match updated Article 6-1300
2. Make it clearer that most submission information can be based on County mapping
3. For "Use" only Special Exception Eliminate requirement to show footprint and parking, show location of "Use"
4. Eliminate expensive "Director May Require" items such as
 - a. Cross Sections
 - b. Birds Eye View
 - c. 2' Topography
5. Replace traffic study with a traffic statement that addresses increase traffic generation (if any) by the special exception use as compared to by right uses. Similar to a ZRTD Application.
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 - d. Resubmission dates for responding to second referral comments
 - e. Deadline for submission of ad to county attorney's office
 - f. Planned Date of Planning Commission hearing
 - g. Planning Date of Board of Supervisors hearing

EPVWG - Recommendation on Special Exception Checklist
4/30/2012

Revised March 2001
Fees revised March 2, 2009

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LOUDOUN COUNTY DEPARTMENT OF PLANNING
1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, Leesburg, VA 20177 Local (703) 777-0246

MINIMUM SUBMISSION REQUIREMENTS FOR SPECIAL EXCEPTION APPLICATION

Application No. _____

TO BE COMPLETED BY THE APPLICANT

Project Name: _____

Proposed Use: _____

Project Location: _____

Tax Map #(s): _____

Parcel #(s): _____

Parcel Owner(s): _____

Telephone No.: _____

Applicant/Authorized Agent: _____

Telephone No.: _____

Engineer/Surveyor: _____

Telephone No.: _____

Attorney: _____

Telephone No.: _____

Signature of Person Completing Checklist: _____

Date: _____

TO BE COMPLETED BY THE PLANNING OFFICE PERSONNEL

Date Received: _____

Date Reviewed: _____

Reviewed by: _____

Date Accepted/Not Accepted: _____

Reason(s) For Not Accepting: _____

EPVWG - Recommendation on Special Exception Checklist
4/30/2012

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A. APPLICANT RESPONSIBILITIES. The applicant must complete all of the Special Exception information contained in this checklist, or present written approval for any deviation therefrom. Written approval from the designated department for any deviation from mandatory requirements must be obtained prior to application submission.

Where proposed project information is requested in this checklist for adjacent property to the proposal, this information may be limited to projects on file with the County or with an adjacent incorporated town or surrounding jurisdiction.

All plats or plans submitted with this application shall be folded to a size of approximately 8½" x 11" with the title block visible.

If the application is judged incomplete, the staff will identify in writing the deficiencies that must be corrected. The application will not be accepted for processing. The fee and materials will be returned to the applicant.

All required forms are available in the Department of Planning.

Approved Deviations:

B. LAND DEVELOPMENT APPLICATION FORM. Submit a completed land development application form, including the following:

	SUBMITTED		
	YES	NO	N/A
1. Name of the applicant(s).			
2. Applicant(s) address: city/state/zip.			
3. Applicant(s) telephone number(s).			
4. Authorized representative.			
5. Representative's address: city/state/zip code.			
6. Representative's telephone number(s).			
7. Property owner(s).			
8. Property owner(s) address: city/state/zip code.			
9. Property owner(s) telephone number(s).			
10. Present zoning classification(s). ²			
11. Project location.			
12. Tax map & parcel number(s); MCPI number(s).			
13. Proposed name of the subdivision, development or business.			
14. Election district(s) in which the proposed special exception is located.			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

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	SUBMITTED		
	YES	NO	N/A
15. Signature of the applicant.			
16. Signature of the owner.			
C. CERTIFICATE OF PAYMENT OF TAXES. Provide a certificate verifying that real estate taxes have been paid for all property included in the application. (A certificate of payment of taxes is available from the Treasurer's Office.)			
D. USE VALUE ASSESSMENT PROGRAM. Provide a statement which identifies any parcel(s) currently subject to the County's Use Value Assessment that are included as part of this application. (A Land Use certificate is available from the Department of Financial Services.)			
E. DISCLOSURE OF REAL PARTIES IN INTEREST. Provide completed disclosure form(s).			
F. FEES. Provide a check made payable to the County of Loudoun.			
G. BUILDING DESIGN. Provide 15 copies of floor plans and elevations for the front, sides, and rear of any on-site structures proposed. AWD Footprint	For Building Design Exception Only		
H. RECORD OF PRE-APPLICATION CONFERENCE. Provide a copy of the documentation provided at the conference.			
I. STATEMENT OF JUSTIFICATION. Provide 15 copies of a written Statement of Justification describing the project and detailing the reason(s) why the granting of a special exception is appropriate. The statement must address the issues for consideration in Section 6-1310 of the Zoning Ordinance including a description of the proposed development's compliance with the mental, cultural, land use, economic and fiscal, and design goals and of the Comprehensive Plan.	Delete - Repeats Ordinance		
J. VICINITY MAP. Provide 15 copies of a map labeled "Vicinity Map" at a scale of 1" = 1000', 8½" x 11" in size with approximate Virginia coordinate grid information with the proposal's property centered on the map. ¹ Include the following information on the map: (See Note 1 Below)			
1. Approximate location of arterial and collector streets and any local streets connecting to the proposed project and street names or numbers; major streams or rivers; the Potomac River; the W&OD Trail. ¹			
2. Project boundaries and all existing lot boundaries (as shown on the County parcel maps) within the project and surrounding the project within the vicinity map area. ¹			
3. For adjacent property within 200 feet including property across the road from project, include the following: a. Approved and proposed projects or subdivision names, lot lines, section and lot numbers ¹ and zoning ² . b. Existing and proposed land uses at time of submission; lots; existing structures within 200 feet of the proposed project. ¹ c. Adjacent open space easements, park and recreation land.			
4. Jurisdictional boundaries. ¹			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

K. **SPECIAL EXCEPTION PLAT.** Submit 15 copies of the plan at a scale of 1 inch = 200 feet.¹ If the proposed plan is not submitted at 1" = 200', a deviation to a more meaningful scale may be requested. At least three

EPVWG - Recommendation on Special Exception Checklist
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(3) plans must be provided at 1" = 200'. Four (4) copies are required when floodplain or mountainside exists on a site. To facilitate review of issues for consideration in Section 6-1310 of the Zoning Ordinance, the special exception plat shall include the following information:

	SUBMITTED		
	YES	NO	N/A
1. The scale, north point and date. ¹			
2. The boundary of the property showing bearings and distances. ¹			
3. Owner's names and zoning of adjacent property. ²			
4. Signature of the property owner or applicant.			
5. Archaeological or historical features included in the State or National Register of Historic Places. a. Existing and proposed buildings, structures, walls, and fences on site.¹ For buildings and structures, indicate their date of construction, as determined by record search and visual survey, and whether it is planned that they be retained or demolished. b. The applicant must also conduct a survey of historic architecture, known and potential historic and archaeological sites. Identify any known grave, object, or structure marking a place of burial, as determined by record search and visual survey.	Only for "Building" Special Exception", Delete for "Use" Special Exception		
6. a. Show location and area footprint, height of proposed use and identify use. Dimensions must be drawn to scale. b. Parking/loading areas, building and parking setbacks (front, side and rear).² Dimensions must be drawn to scale.	Delete "Footprint" and "Parking Area", Show use location and setbacks		
7. The proposed location, lighting and type of sign.			
8. Adjacent property information including property across the road from project: (See Note 1 Below) a. Approved and proposed projects or subdivision names, lot lines, section and lot numbers and zoning. b. Existing and proposed land uses at time of submission; lots; existing structures within 200' of the proposed project.¹ c. Existing and proposed abutting roads and their right-of-way widths.¹ d. Existing nonresidential access points, existing and proposed roadway intersections and median breaks.¹ f. Major roads identified in the County Transportation Plan and roads identified in the current Loudoun County/VDOT six-year plan.⁴			
9. Location of proposed/existing well and septic system. Provision of evidence that application has been made to the County Health Department for proposed project's sewer and water systems if Loudoun County Sanitation Authority service is not available.			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

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	SUBMITTED		
	YES	NO	N/A
10. On-site roadway information including: ¹ a. Existing and proposed access points to existing state road			

EPVWG - Recommendation on Special Exception Checklist
4/30/2012

system including roadway entrance widths. b. Existing and proposed locations of internal through public network and right-of-way widths; access points with street adjacent parcels.			
11. Include parking/loading areas.	Delete, Zoning Setbacks Dictate		
12. The location and general description of vegetation and existing tree cover including: a. A description of type and extent of tree cover that identifies canopy, understory growth and other flora; b. An inventory of evergreen trees with calipers of 14 inches or larger and deciduous trees with calipers of 22 inches or larger (measured 4.5 feet above the ground); and c. Endangered species habitat ⁵ . d. The nature and extent of existing and/or proposed landscaping, screening or buffering on the site.			
13. Topography at contours not more than five (5) feet. Note: The Director may request a two (2) foot contour. (See Note 1 Below)			
14. The location of any steep slopes. (Note 1 Below)			
15. The location and type of any fuel and fuel storage and a listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia Department of Waste Management.			
16. Where applicable, the limits of floodplain boundaries are to be delineated. The plan shall utilize and identify the source as the Floodplain Map of Loudoun County. (See Note 1 Below)			
17. Limits of any overlay districts on the property (HCC, AI, FOD, MDOD). ² (See Note 1 Below)			
18. If requested by the Planning Director the applicant shall provide: a. A minimum of two cross-sections where a grade change of 3 feet or more is proposed or where buildings are proposed. The cross-sections shall illustrate existing and proposed topography, height and density of vegetation and the dimensions of proposed buildings. b. For projects adjacent to existing residentially zoned or used property three-dimensional sketches providing a "bird's eye" (45°) view and at least two eye-level perspectives (30°) of the project illustrating the relationship between the proposed development and the surrounding community. Note: The cross-sections and/or sketches shall be provided no later than the applicant's response to the initial agency comments (referrals).	Remove		

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning
5. Information available from the State Department of Natural Resources

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	SUBMITTED		
	YES	NO	N/A
19. Identification of any Federal or State permits or conditions that directly limit development on the subject property.			
L. TRAFFIC STUDY. Provide 6 copies of a traffic analysis indicating the relationship of the proposed development to traffic, road and transit use and plans according to FSM Section 4-200B including the following			

EPVWG - Recommendation on Special Exception Checklist
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elements:			
1. Study area.	Replace with a traffic statement that compares traffic generated from special exception use as compared to by right uses. Similar to a ZRTD.		
2. Traffic count locations.			
3. Trip generation.			
4. Traffic volume projections.			
5. Level of service analysis.			
6. Minimum roadway/intersection level of service standards.			
7. Background traffic assumptions.			
8. Traffic/trip distribution.			
9. Level of service calculation assumptions.			
10. Mode choice.			
11. Safety locations.			
12. Traffic mitigation measures.			

M. COMMUNITY MEETINGS. The applicant must submit a list or schedule of meetings between the applicant and the surrounding communities either held or scheduled to be held. **Not Required in Ordinance.**

N. MAILING LABELS. The applicant must submit two (2) sets of pre-printed address/ mailing labels with addresses of all adjacent property owners.

O. CERTIFICATION OF APPLICATION SUBMISSION. I hereby certify that the above stated information is included in the attached special exception application and accompanying materials. Further, I have included on the site plan any conditions required by proffers of an approved rezoning for this site, or required by a variance approval, special agreements or covenants.

APPLICANT SIGNATURE _____ DATE _____

Application: _____ Accepted _____ Rejected _____

Checklist Reviewer _____

Date _____

Section 6-600

Notice Required For Public Hearings.

6-601

Required Notice. Each public hearing involving planning and zoning matters before the Planning Commission, the Board of Supervisors and the Board of Zoning Appeals, requires notice as set forth below.

(A) **Written Notice.**

(1) **Cases Involving Less Than 25 Tax Map Parcels.**

~~(a) **First Notice.** For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals, or designee as appropriate, shall provide written first notice of the public hearing to the owner or owners, or their agent, of each parcel involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.~~

~~Such first notice must be mailed at least 21, and no more than thirty (30) calendar days before the hearing and shall be made by first class mail.~~

4/30/2012

~~First notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure to give written first notice.~~

(b)(a) ~~Second Notice.~~ For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or designee as appropriate shall provide written ~~second~~ notice of the public hearing to the owner or owners, or their agent or the occupant of each parcel of land involved and to the owner or owners, their agents or the occupant of all abutting property and property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such ~~second~~ notice must be mailed at least five (5) calendar days and no more than 21 calendar days^[PC1] before the hearing and shall be made

by registered or certified mail. ~~Second~~ Notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement.

(2) **Cases Involving 25 or More Tax Map Parcels.**

~~(a) — First Notice. For a zoning map amendment that involves 25 or more tax map parcels, but less than 500 tax map parcels, special exception, variance, appeals pursuant to Section 15.2-2301 or Section 15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or its designee shall provide written first notice of the public hearing to the owner or owners, or their agent, of land involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth within one-half mile of the subject property.~~

~~Such first notice must be mailed at least 21 and no more than thirty (30) calendar days before the hearing and shall be made by first class mail. First notice sent to the last known address of the owner as shown on the County's current real~~

~~estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure by the representative of the local Commission to give written first notice to the owner or owners, or their agent, of any parcel involved.~~

(b)(a) **Second Notice.** For a zoning map amendment that involves 25 or more tax map parcels but less than 500 tax map parcels, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission or Board of Supervisors, or Board of Zoning Appeals or its designee shall provide written **second** notice of the public hearing to the owner or owners, or their agent, of each parcel of land involved. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such **second** notice must be mailed at least five (5) calendar days, **and no more than 21 calendar days** before the hearing and shall be made by first class mail. **N**~~Second~~ notice sent to the last known address of the owner as shown on the

County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, or ordinance, special exception or variance because of the inadvertent failure by the representative of the local commission to give written ~~second~~ notice to the owner or owners, or their agent of any parcel involved.

- (3) **Contents of Written Notice.** All required written notice shall contain:
 - (a) The time, date and place of hearing;
 - (b) A brief description of the matter being heard; and
 - (c) Identification of the land subject of the application (including the tax map number of the property and complete street address of the property).
- (4) **Second Notice Remailed If Hearing Continued.** If a public hearing is continued, then the second notice required in such case shall be remailed.
- (5) **Landowner Initiated Cases.** In any case involving a zoning map amendment, special exception appeal or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Board of Supervisors or Board of Zoning Appeals, as appropriate, as responsible for sending any notice required by this Section.
- (6) **Notice by County.** Notwithstanding any other provisions of this section, whenever the notices required under this Section are sent on behalf of an agency, department or division of the County, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.
- (7) **Certification.** At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or

persons, or their representative providing notice, shall be filed with the Director of Planning certifying that ~~first and second~~ notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A counterpart of such affidavit shall be presented at the beginning of the public hearing on the application.

- (8) **Failure to Receive Notice.** Failure to receive any notice of a hearing required by this Section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.
- (9) **Condominium Ownership.** In the case of a condominium, written notice may be sent to the unit owner's association instead of to each individual unit owner.
- (B) **Placard Notice.** Each application, except for zoning map amendment cases involving 500 or more tax map parcels, shall be posted by the applicant, using a form of placard approved by the Board of Supervisors, at least twenty-one (21) and no more than thirty (30) calendar days prior to each public hearing. Certification of posting shall be provided to the Director of Planning, except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.
 - (1) **Location of Placards.** Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property. Placards shall be weatherproof.
 - (2) **Contents of Placards.** Placards shall contain:
 - (a) The time, date and place of the hearing;
 - (b) A brief description of the matter being heard; and
 - (c) Identification of the land that is the subject of the application including the tax map number and complete address of the property.

- (3) **Maintenance and Removal of Placards.** The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed.
- (4) **Penalties.** It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Section 6-504 of this Ordinance.
- (C) **Newspaper Notice.** The County shall give newspaper notice prior to each public hearing.
- (1) **Type of Newspaper.** Notice shall be published in a newspaper or newspapers of general circulation in the County.
- (2) **Contents of Newspaper Notice.** The notice shall contain:
- (a) The time, date and place of the hearing;
 - (b) A brief description of the matter being heard;
 - (c) If the matter is one for which an additional public hearing is necessary and has been scheduled before the BZA or Board of Supervisors, the time, date and place of the scheduled BZA or Board of Supervisors hearing; and
 - (d) Identification of the land that is the subject of the application including the tax map number and complete address of the property.
 - (e) In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Comprehensive Plan shall be included within the notice.
- (3) **Time of Newspaper Notice.** The notice shall appear at least once a week for two (2) successive weeks and with the second advertisement no more than 21 and no

fewer than five (5) calendar days prior to the public hearing.

- (D) **Zoning Map Amendment Cases Involving 500 or More Tax Map Parcels.** For a zoning map amendment case involving 500 or more tax map parcels, notice in such cases shall conform in all respects to the provisions of Section 15.2-2204 of the Code of Virginia, 1950 as amended, and no placard notice shall be required in such cases.
- (E) **Zoning Text Changes.** When a proposed amendment to the text of the zoning ordinance would decrease the allowed dwelling unit density of more than twenty five parcels of land, then, in addition to the advertising required pursuant to Section 6-601(C), above, written notice shall be given by the County or its designated representative, at least five days before the hearing to the owner, owners, or their agents of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners or their agents of lots shown on a subdivision plat approved and recorded pursuant to the Loudoun County Land Subdivision and Development Ordinance where such lots are less than 11,500 square feet.

6-602

Notice Requirement for Adoption of Submission Checklist. A resolution to be presented to the Board of Supervisors pursuant to Section 6-403 shall be advertised in a newspaper of general circulation in the County at least thirty (30) days before consideration of the resolution by the Board.

6-603

Cost of Notice. The cost of all notice required by this Section shall be paid by the applicant.

6-604

Additional Notice Required.

- (A) **Deferral.** If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by this Section shall be given of the deferred public hearing.
- (B) **Recessed Public Hearings.** If a public hearing is begun but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing which has been recessed.

Division D: Special Development Approvals
Section 6-1200 Zoning Amendment.

6-1201 **Authority.** The Board of Supervisors may, by ordinance, amend, supplement, change or repeal the provisions of this Ordinance or the boundaries of zoning classifications established in the official Zoning Map.

6-1202 **Initiation of Amendment.** Either a zoning map or text amendment may be proposed by resolution of the Board of Supervisors or Planning Commission. In the case of a zoning map amendment, an application may be filed by a person who owns or has a legal interest in or is a duly authorized representative of the owner. In the case of an application by a person who has a legal interest in the property or is a duly authorized representative of the owner, the application must exhibit the consent of those with a legal ownership interest in the property under consideration. In the case of a zoning text amendment, a landowner may file a petition for a resolution of intent to amend the ordinance text to be acted upon by the Board of Supervisors. The Board shall either adopt such resolution, initiating the text amendment requested, or deny such petition.

(A) Modifications. The regulations of the district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511. No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.

6-1202

6-1203 **Review of Application.** An application for a zoning map amendment shall be filed, contain such material and be reviewed pursuant to the following:

(A) Voluntary Pre-Application Conference. Prior to filing an application, an applicant ~~shall meet~~ may request a Pre-Application Conference with the Director of Planning ~~and to~~ discuss his intentions with regard to a given application and to ask questions regarding the procedures or substantive

requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning. Such application shall be accompanied by a sketch map(s) of the site sufficient to illustrate the location of proposed uses, scale and intensity of uses and environmental conditions on the property to the extent they are known, a description of the proposed project or use, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. -The Planning Director shall respond to each written request for a pre-application conference within ~~fifteen (15) calendar~~ 2 business days. If a pre-application conference is not scheduled within ~~thirty (30) fifteen (15)~~ calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-application conference requirement in cases where the Director finds that such waiver is not detrimental to the applicant or the County.

(B) **Review of Application for Completeness.** No application shall be accepted and reviewed unless determined by the Director of Planning to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Section 6-403 and Section 6-1211 as applicable, including a rezoning plat. Within ~~thirtyten (3010) calendar-business~~ days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The County shall maintain a current log of all pending applications.

(C) **Acceptance of Complete Application.** Within ~~thirtyten (3010) calendar-business~~ days of receipt of an initial application, the Planning Director shall either accept the application if it is complete as defined in Article VIII and forward to the applicant a notice of acceptance or a notice of incompleteness specifying those areas of additional information necessary for review.

(1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance on the ~~forty-fifthfifteenth (4515th)~~ calendar day after the filing of the application.

(2) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Planning Director shall

review the resubmitted application within ~~fifteen~~^{three} ~~(15)~~ business calendar days from the date of receipt in the manner provided in this Section for the application.

- (3) If the deficiencies set forth in the notice of incompleteness are not addressed, or the application is not resubmitted within thirty (30) calendar days of the date of the notice, the Planning Director shall notify the applicant that the original application has been rejected as incomplete unless an extension has been requested by the applicant in order to assemble additional information.

6-1204

Staff Review of Application.

- (A) **Referrals.** Upon acceptance of the application for zoning amendment, the Planning Director shall forward a copy of the application to any town and any county or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application. In addition, the director shall schedule an acceptance review meeting to occur within 10 business days of acceptance of the application and a 1st review comments meeting to occur within 45 calendar days of the acceptance. The purpose for the Acceptance review meeting is an opportunity for the applicant to present the information to the review staff. The purpose of the 1st review comments meeting is for staff to inform the applicant of their comment.
- (B) **Referral Responsibilities.** Each reviewing agency, within ~~sixty~~ Thirty (30) calendar days from the date an application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.
- (C) **Review of Referrals.** Referral comments shall be obtained and reviewed by the Director of Planning within ~~one hundred Forty Five (45+00)~~ calendar days after a final application has been accepted. The Planning Director shall forward to the applicant within sixty (60) calendar days of acceptance a written review of the issues identified during the review of the application.
- (D) **Applicant Response and Subsequent Review.** The process and timelines for the applicant's response to the issues identified during the review of the application, as well as the process and timelines for subsequent review of the application, is identified

below. If the applicant's response results in an amended application, the provisions of Section 6-1205 shall apply.

- (1) The applicant shall, within forty-five (45) calendar days of transmittal of the written review of issues, respond in writing to all of the issues identified in the written review.
- (2) Failure on the part of the applicant to respond within the forty-five (45) calendar day timeframe specified above shall result in the suspension of the decision deadline for such application until such response is received.
- (3) A second referral shall be completed within ~~thirty~~ten (~~30~~10) ~~calendar~~ business days from receipt of the applicant's response to the written review, and a report from such reviewing agencies forwarded to the Planning Director.
- (4) The Planning Director shall, within ~~thirty~~ten (~~30~~10) ~~calendar~~ business days thereafter, forward to the applicant a second written review of the issues identified during the review of the application. Following the transmittal of the second written issues paper, if there are outstanding issues that are unresolved, a meeting will be scheduled with the applicant and those referral agencies with remaining issues within ten (10) business days of the date of transmittal.
- (5) The decision deadline for the applicant will be suspended from the date of the meeting referenced in paragraph 6-1204(D)(4) above, and will resume on the date of receipt of the applicant's response to all of the issues identified in the second written review and the meeting.
- (6) The applicant's response to the second written review referenced in 6-1204(D)(5) above shall constitute the applicant's final submittal prior to the Planning Commission public hearing. Upon receipt of the applicant's response to the second written review, the Planning Director shall proceed to prepare the report as specified in Section 6-1204(F), and shall schedule the application for a duly noticed public hearing with the Planning Commission.

- (E) **Required Action By Other Board.** In the event this Ordinance requires that an application not be granted until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application for amendment to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission. If they deem it appropriate, the Planning Commission may recommend, and the Board of Supervisors may approve, an application contingent on required action by the other board.
- (F) **Report and Notice to Applicant.** The Director of Planning shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

6-1205

Amendment to Application.

- (A) An application may be considered amended by the submission of additional information or proposed changes to the application after it has been accepted other than additional information or changes submitted in response to staff review comments. The Director of Planning shall review the information within five (5) business days of receipt and render a finding as to whether the submitted information is deemed a substantial change to the application. If such change is deemed to be substantial, the application will be considered to be an amended application. If the application is found to be amended, then the Director will notify the applicant in writing within the five (5) business day period following such determination that the additional information or proposed changes will result in an automatic extension of the application decision deadline prescribed in this Section and such notice shall specify the required extension not to exceed 30 days. The applicant will then have five (5) business days to provide the Director with a written request to withdraw the additional information or proposed changes which necessitated the extension. If the applicant chooses to withdraw the information, then the application will proceed based on its original timeline.
- (B) Any new information submitted after the Board of Supervisors public hearing is subject to the provision of Section 6-1205(+A) above. In addition, any new information submitted after the

Board of Supervisors public hearing other than information submitted in response to staff or Board comments shall result in a fifteen (15) calendar day automatic extension of the application decision deadline, unless such extension is reduced by the Director of Planning.

6-1206 Withdrawal of Application. An application may be withdrawn upon written request by the applicant any time prior to the public hearing; provided, that if the request for withdrawal is made after such deadline, such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the hearing. No new application concerning any or all of the same property which is substantially the same as the one withdrawn shall be filed within twelve (12) months of the date of withdrawal, unless the respective body approving withdrawal specifies at the time it consents to withdrawal that said time limitation shall not apply.

6-1207 Limitation on Application After Denial. After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.

6-1208 Conditional Zoning. As part of classifying land within the County into areas and districts by legislative action, the County may allow reasonable conditions governing the use of such property, such conditions being in addition to, or modification of, the regulations provided for a particular zone or zoning district by this Ordinance.

6-1209 Proffered Conditions. As part of an application for a rezoning, a property owner may proffer in writing the provision of reasonable conditions to apply and be part of the rezoning sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials and shall be subject to the following procedures and regulations:

(A) When Proffers Are Made.

- (1) If there are any proffered conditions which the applicant wishes to have considered with the application, they shall be submitted for staff review as part of the applicant's response to the written report required by Section 6-1204(B).
- (2) In no event shall the applicant's proposed statement of proffered conditions be submitted later than forty-five

(45) calendar days prior to the scheduled public hearing before the Board of Supervisors.

- (3) Nothing in this paragraph shall prevent the Board of Supervisors from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.
- (B) **Contents of Proffer.** Proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.
- (C) **Filing And Notice Of Accepted Proffers.** If the amendment to the Zoning Map is adopted subject to proffered conditions, then the property in question shall be appropriately annotated on the Zoning Map and the proffers shall be placed in the Zoning Administrator's official proffer file.
- (D) **Proffers Govern Development.** Proffered conditions shall become a part of the zoning regulations applicable to the property unless subsequently changed by an amendment to the Zoning Map, which amendment is not part of a comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.
- (E) **Substantial Conformance Required.** Upon approval of a rezoning with proffers, any site plan, subdivision plat, development plan or other application for development thereafter submitted shall be in substantial conformance with all proffered conditions. No development shall be approved by any County official in the absence of said substantial conformance.
- (F) **Substantial Conformance Defined.** For the purpose of this Section, substantial conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

- (G) **Enforcement of Proffers.** The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 6-500 of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as defined by Section 6-1209(J) of this Ordinance.
- (H) **Guarantee for Construction of Improvements.** A guarantee, satisfactory to the Board, may be required in an amount sufficient for and conditioned upon the construction of any public improvements required by the proffered conditions. This guarantee may be reduced or released by the Board or agent thereof, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guarantee shall be required no later than final site plan or subdivision approval.
- (I) **No Permits Shall Be Issued Not In Compliance With Proffers.** Failure to meet or comply with any proffered conditions shall be sufficient cause to deny the issuance of any site plan or subdivision approvals, grading permits, zoning permits, building permits, or certificates of occupancy as may be determined appropriate by the Zoning Administrator. In addition to the other penalties appropriate for violations of this Ordinance, failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any development approvals or permits relating to the land area which was the subject of the conditional zoning. To this end, each application for a development approval or permit shall include an affidavit by the applicant that all applicable proffers have been or will be complied with as agreed upon at the time of rezoning. The burden shall be on the applicant to verify that proposed development complies with any and all proffered conditions.
- (J) **Appeal of Proffer Decision.** Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) calendar days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the

basis for the appeal and shall include the materials specified in
Section 6-1209(K).

Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and shall render its decision within ninety (90) calendar days after receipt of the appeal notice and following a public hearing. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator.

(K) **Proffer Appeal Submission Materials.** Any appeal presented in accordance with the provisions of Section 6-1209(J) of this Ordinance must include the following materials within the thirty (30) calendar day filing time frame. The ninety (90) day timeline set forth in Section 6-1209(J) above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Supervisors:

- (1) Two copies of an application form, signed by the appellant or appellant's representative, accompanied by the following information:
 - (a) A copy of the decision or proffer determination which is the subject of the appeal.
 - (b) The date upon which the decision or determination being appealed was made.
 - (c) The grounds for the appeal.
 - (d) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).
 - (e) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.
- (2) An application fee in the amount set forth by resolution of the Board of Supervisors

6-1210 Planning Commission Hearing. No later than ~~240~~150 days after an application has been accepted, the Planning Commission shall hold a duly noticed public hearing on an application for a zoning amendment.

6-1211 Report by Planning Commission.

- (A) The Planning Commission shall report to the Board of Supervisors its recommendation with respect to the proposed amendment.
- (B) The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned; or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan, and is in furtherance of the purposes of this ordinance. Before recommending a larger extent of land or a rezoning to a more intensive classification than was set forth in the application, the Commission shall hold an additional duly noticed public hearing on the matter.
- (C) In recommending the adoption of any proposed amendment to this Ordinance, the Planning Commission may state its reason for such recommendation, describing any changes in conditions, if any, that it believes make the proposed amendment advisable and specifically setting forth the manner in which, in its opinion, the proposed amendment would be in harmony with the adopted comprehensive plan and would be in furtherance of the purpose of this Ordinance.
- (D) **Text Amendments.** If the request is for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:
- (1) Whether the proposed text amendment is consistent with the Comprehensive Plan.
 - (2) Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.
- (E) **Zoning Map Amendments.** If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

- (1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.
- (2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
- (3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

~~(4) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.~~

~~(5) The effect of the proposed rezoning on the County's ground water supply.~~

~~(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.~~

~~(7)~~(4) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

~~(8)~~(5) Whether a ~~reasonably~~ commercially viable economic use of the subject property exists under the current zoning.

~~(9) The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.~~

~~(10)~~(6) ~~Whether The impact of the proposed rezoning on the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.~~

~~(11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.~~

~~(12) Whether the proposed rezoning considers the current and future requirements of the community as to land for~~

various purposes as determined by population and economic studies.

~~(13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.~~

~~(14)(7) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors; the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.~~

~~(15)(8) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.~~

~~(16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance[PC1].~~

(F) Failure of the Planning Commission to report to the Board within ~~one hundred sixty~~ (10060) calendar days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission or such shorter period as the Board may direct shall be deemed a recommendation of approval by the Commission.

6-1212

Hearing Before Board of Supervisors. No later than ~~three~~two hundred and ~~ten~~forty ~~(310240)~~ days after an application has been accepted, a duly noticed public hearing shall be held by the Board of Supervisors regarding an application for a zoning amendment.

6-1213

Action by Board of Supervisors. After the conclusion of its public hearing, the Board of Supervisors shall act on the application for rezoning. The Board of Supervisors need not confine its action to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may act on a revision to the application. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it rezones or it may rezone the land to a different zoning district classification than that requested if, in either case, it is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan and is in furtherance of the purposes of this Ordinance.

Before rezoning a larger extent of land or rezoning the land to a more intensive classification than was set forth in the application, the Board shall hold a further duly noticed public hearing on the matter.

6-1214 Evidentiary Matters Before Board of Supervisors. All information, testimony or other evidence presented by an applicant for zoning amendment shall be presented to the Planning Commission in conjunction with its review and hearing on the application. If the Board of Supervisors determines that an applicant is presenting evidence which is substantially or materially different from that presented to the Commission, the Board may refer the application back to the Commission for such additional consideration and action as the Board may deem appropriate.

6-1215 AR-2 District Rezoning - Special Provisions. The following provisions of Division D: Special Development Approvals shall be modified as follows for applications to amend the zoning map to rezone property to the AR-2 District:

- (A) **Pre-Application Conference (6-1203 (A)).** The pre-application conference is recommended but shall not be required.
- (B) **Staff Review of Application. Referrals (6-1204 (A)).** Upon acceptance of the application, the Planning Director shall forward a copy of the application to the Department of Building and Development, the Zoning Administrator, and the Virginia Department of Transportation, and shall set the application for public hearing to be held at the first Planning Commission public hearing scheduled to occur after the sixtieth (60th) day following acceptance of the application.
- (C) **Referral Responsibilities (6-1204 (B)).** Each reviewing agency shall, within thirty (30) calendar days of the receipt of a referral, prepare a staff report which sets out in writing its comments and recommendations and shall forward such report to the Director of Planning.
- (D) **Review of Referrals (6-1204 (C)).** Referral comments shall be reviewed by the Director of Planning within fifty (50) days after an application has been accepted. The Planning Director shall forward to the applicant within five (5) working days of receipt of all referral comments and a written review of the issues raised by the application.
- (E) **Hearing Before Board of Supervisors (6-1212).** No later than forty (40) calendar days after the Planning Commission public

hearing, a duly noticed public hearing shall be held by the Board of Supervisors regarding an application for rezoning to the AR-2 District.

STAKEHOLDER
DRAFT

Section 6-1300 Special Exception.

- 6-1301** **Purpose.** The special exception procedure is designed to provide the Board of Supervisors with an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public; and, in the event such uses or structures are approved, the authority to impose conditions that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure. Any special exception or minor special exception approval granted by the Board of Supervisors shall be implemented in strict accordance with the conditions of approval of the special exception.
- 6-1302** **Authorized Special Exception Uses.** Only those special exceptions or minor special exceptions that are expressly authorized as such in a particular zoning district, or elsewhere in this Ordinance may be approved. Further, no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, and no approved special exception use shall be enlarged or expanded unless approval of a new special exception has been granted by the Board of Supervisors.
- 6-1303** **Authorized Temporary Special Events.** An applicant for a special exception use or minor special exception use may include in the application a request for authorization of temporary special events that the applicant expects to regularly occur during the life of the special exception use. The applicant shall be specific about the expected types of special events, the expected number of events per calendar year, the expected duration of such special events, and the expected number of attendees per event. In addition, the applicant shall include all pertinent information necessary to show compliance with the standards and criteria set forth in Section 5-500(C) (Temporary Special Events) of this Ordinance. Review of the requested temporary special events shall occur concurrently with the review of the special exception or minor special exception use according to the procedures set forth in this Section 6-1300. All requested temporary special events that are submitted as part of a special exception or minor special exception use application shall be reviewed for compliance with the standards and criteria set forth in both this Section 6-1300 and Section 5-500(C). Temporary special events approved as part of a special exception use or minor special exception application are exempt from the procedural requirements for a temporary zoning permit stated in Section 5-500(C), but shall be subject to all other applicable standards in Section 5-500(C) including without limitation the minimum standards and criteria in Section 5-500(C)(6), limits on the duration of special events, and the maximum number of special events allowed in one calendar year.

6-1304

Review of Application. The Board of Supervisors may permit a special exception or minor special exception as part of a zoning map amendment, or by special exception procedures at any time after a zoning map amendment. An application for a special exception shall be filed, contain such material as may be required, and be processed pursuant to the following:

(A) **Voluntary Pre-Application Conference.** Prior to filing an application, an applicant ~~shall meet~~ may request a Pre-Application Conference with the Director of Planning ~~and to~~ discuss his intentions with regard to a given application and to ask questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning and shall be accompanied by a sketch map(s) of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. ~~The Director of Planning shall respond to each written request for a pre-application conference within fifteen (15) calendar days. If a pre-application conference is not scheduled within thirty (30) calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-application conference requirement in cases where the Director finds that such waiver is not detrimental to the applicant or the County.~~

(B) **Review of Application for Completeness.** No application shall be accepted and reviewed unless determined by the Director of Planning to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Section 6-403, Section 6-1310, and Section 5-1202(E), as applicable. For minor special exceptions, the Planning Director shall review the application within ~~fifteen~~ five (15) calendar days of filing to determine if it includes the minimum submission requirements. For special exceptions, within ~~thirty~~ ten (30) calendar days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The County shall maintain a current log of all pending applications.

(C) **Acceptance of Complete Application.** Within ~~fifteen~~five (~~15~~) calendar days of receipt of an application for a minor special exception, and within ~~thirty~~ten (~~30~~10) calendar days of receipt of an application for special exceptions, the Director of Planning shall either accept the application if it is complete and forward to the applicant a notice of acceptance or a notice of incompleteness specifying those areas of additional information necessary for review.

(1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance ~~forty-five~~fifteen (~~45~~15) calendar days after the filing of the application.

(2) If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Director of Planning shall review the resubmitted application within ~~fifteen~~three (~~15~~3) calendar days from the date of receipt, in the manner provided in this Section for the application.

(3) If the deficiencies set forth in the notice of incompleteness are not addressed, or the application is not resubmitted within thirty (30) calendar days of the date of the notice, the Planning Director shall notify the applicant that the original application has been rejected as incomplete.

6-1305 **Staff Review of Application.**

(A) **General Review/Referral.** Upon acceptance of the application for special exception or minor special exception, the Director of Planning shall forward a copy to any town, county, or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.

(B) **Referral Responsibilities.**

(1) **Minor Special Exceptions.** Each reviewing agency, within ~~fifteen~~ten (~~15~~10) calendar days from the date an application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.

(2) **Special Exceptions.** Each reviewing agency, within ~~thirty~~fifteen (~~30~~15) calendar days from the date an

application has been accepted, shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Director of Planning.

- (C) **Review of Referrals.** Referral comments shall be obtained and reviewed by the Director of Planning within ~~thirty-five (15)~~ calendar days for minor special exceptions and within ~~forty-five (45)~~ thirty (30) calendar days for special exceptions after a final application has been accepted. The Planning Director shall forward to the applicant within twenty (20) calendar days of acceptance for minor special exceptions and within thirty-five (35) calendar days of acceptance for special exceptions a written review of the issues identified during the review of the application.
- (D) **Applicant Response and Subsequent Review.** The process and timelines for the applicant's response to the issues identified during the review of the application, as well as the process and timelines for subsequent review of the application, is identified below. If the applicant's response results in an amended application, the provisions of Section 6-1306 shall apply.
- (1) The applicant shall, within fifteen (15) calendar days of transmittal of the written review of issues, respond in writing to all of the issues identified in the written review. ~~Such response shall be subject to the provisions of Section 6-1306.~~
 - (2) Failure on the part of the applicant to respond within the fifteen (15) calendar day timeframe specified above shall result in the suspension of the decision deadline for such application, and will resume on the date of receipt of the applicant's response to all of the issues identified in the written review.
 - (3) If ~~new information is received as part of the applicant's response~~ deemed necessary by the Planning Director, a second referral shall be completed within ~~thirtyten (30)~~ ten (10) calendar days from receipt of the applicant's response to the written review, and a report from such reviewing agencies forwarded to the Planning Director.
 - (4) The Planning Director shall, within ~~fifteen (15)~~ ten (10) calendar days thereafter, forward to the applicant a second written review of the issues identified during the review of the application.

- (5) The decision deadline for the application will be suspended from the date of transmittal of the second written review, and will resume on the date of receipt of the applicant's response to all of the issues identified in the second written review.
- (6) The applicant's response to the second written review, or the first written review if the second referral is not applicable, shall constitute the applicant's final submittal prior to the Planning Commission or Board of Supervisors public hearing, whichever is appropriate. Upon receipt of the applicant's response to the second written review, the Planning Director shall proceed to prepare the report as specified in Section 6-1305(F), and shall schedule the application for a duly noticed public hearing with the Planning Commission or Board of Supervisors, whichever is appropriate.
- (E) **Required Action by Other Board.** In the event this Ordinance requires that a development permit not be issued until acted upon by some government board or agency other than the Planning Commission or Board of Supervisors, then the Director of Planning shall forward the application for development to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the Board of Supervisors or Planning Commission.
- (F) **Special Exception Report and Notice to Applicant.** The Planning Director shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Supervisors or Planning Commission, as appropriate, for hearing.

6-1306

Amendment to Application. An application shall be considered amended by the submission of ~~any~~ additional information or proposed changes to the application after it has been accepted other than additional information or changes submitted in response to staff review comments. The submission of such additional information or proposed changes ~~shall result, when deemed by the Planning Director within five (5) calendar days of submission to constitute a substantially amended application, shall result in a fifteen (15) calendar day extension for minor special exceptions and~~ in a thirty (30) calendar day extension for ~~minor special exceptions and in a forty-five (45) calendar day extension for~~ special exceptions; of the decision deadline for the application. The

Planning Director may reduce the extension of the application decision deadline specified above when, in the opinion of the Planning Director, such information does not require the full extension for review.

6-1307 Withdrawal of Application. An application may be withdrawn upon written request by the applicant any time prior to fifteen (15) calendar days before the scheduled public hearing. If the request for withdrawal is made after fifteen (15) calendar days or less before the scheduled public hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the hearing. No new application, concerning any or all of the same land, that is substantially the same as the withdrawn application shall be filed within twelve (12) months of the date of withdrawal, unless the respective body approving withdrawal specifies at the time it consents to withdrawal that said time limitation shall not apply.

6-1308 Limitation on Application After Denial. After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.

6-1309 Hearings. Applications for special exception shall be reviewed, considered, and approved, approved with conditions, or disapproved as either a minor special exception or special exception.

(A) **Minor Special Exception.** A duly noticed public hearing on an application for a minor special exception shall be held by the Board of Supervisors and a decision made by it within ninety (90) calendar days of the date on which the application was accepted. The County will use its best efforts to achieve an expedited review and decision time of less than (90) days for minor special exception applications, provided the applicant adheres to the minimum time frames described in this Section 6-1300.

(B) **Special Exception.**

- (1) Prior to a decision by the Board of Supervisors on a special exception, each application shall be the subject of a public hearing and a recommendation made by the Planning Commission.
- (2) A duly noticed public hearing on an application for a special exception shall then be held by the Board of Supervisors and a decision made by it within ninety (90)

calendar days of the date on which the application was accepted.

6-1310

Issues for Consideration. In considering a special exception application, the following factors shall be given reasonable consideration. When a special exception or minor special exception application includes a request for approval of temporary special events, the following factors shall be reasonably considered taking into account the proposed special events as well as the principal special exception use. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:

- (A) Whether the proposed special exception is consistent with the Comprehensive Plan.
- ~~(B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.~~
- ~~(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.~~
- ~~(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.~~
- (E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.
- ~~(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.~~
- ~~(G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.~~
- ~~(H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.~~
- ~~(I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.~~

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(C) ~~(J)~~ Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

~~(K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.~~

~~(L) Whether the proposed special exception will be served adequately by essential public facilities and services.~~

~~(M) The effect of the proposed special exception on groundwater supply.~~

~~(N) Whether the proposed use will affect the structural capacity of the soils.~~

(D) ~~(O)~~ Whether the proposed use will negatively impact orderly and safe road development and transportation.

~~(P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.~~

~~(Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.~~

~~(R) Whether adequate on and off site infrastructure is available.~~

~~(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.~~

~~(T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.~~

6-1311

Conditions and Restrictions. In approving a special exception or minor special exception, including any requested temporary special events, the Board of Supervisors may impose such conditions, safeguards and restrictions upon the premises benefited by the special exception as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special exceptions upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. Conditions and restrictions may include, but are not limited to, those related to fencing, planting or other landscaping, additional set backs from property lines, location and arrangement of lighting, setting of reasonable time limitations, size,

height and location of signs, and other reasonable requirements deemed necessary to safeguard the interest of the general public. The Board may require a guarantee or bond to ensure that conditions imposed will be complied with. All required conditions shall be set out in the documentation approving the special exception permit.

6-1312

Effect of Issuance of a Permit for a Special Exception. The issuance of a permit for a special exception or minor special exception shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the County, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval and a zoning permit. Temporary special events approved as part of a special exception use application or minor special exception are exempt from the requirements for a temporary use permit stated in Section 5-500(C).

6-1313

Period of Validity.

- (A) Unless a longer period of validity is specifically approved as a part of such application, no special exception or minor special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, and (2) an occupancy permit is obtained and a use commenced. Such period of validity may be extended for good cause shown, provided that an application is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. The special exception or minor special exception approval shall remain valid while such extension is being processed. Failure to request the extension in a timely manner shall cause the special exception or minor special exception to expire, without notice, on the expiration date.
- (B) As a condition of approval, a special exception or minor special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period. In such case, an extension may be granted prior to expiration by the Board of Supervisors provided that an application is submitted to the Board of Supervisors a minimum of thirty (30) calendar days before the expiration date. No notice or hearing shall be required for such Board action. The special exception or minor special exception

approval shall remain valid while such extension is being processed. Failure to request the extension in a timely manner shall cause the special exception or minor special exception to expire, without notice, on the expiration date. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception or minor special exception, as applicable.

- (C) If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the Board of Supervisors, the request for an extension shall be denied or the remedy of any violation shall be required within a specified time. If the request for extension is denied or the applicant fails to correct the violation within the time frame specified, the special exception or minor special exception shall expire and the approval of a new special exception or minor special exception, as applicable shall be required prior to any subsequent reinstatement of the use. If it is determined that the use is no longer allowed as a special exception use in the zoning district in which located, the request shall be denied and the special exception or minor special exception shall expire.

6-1314

Rehearing. A request for reconsideration of Board action on a special exception or minor special exception application and rehearing before the Board shall be made in writing and filed with the Zoning Administrator within fifteen (15) calendar days after the date of the Board's original decision. The reconsideration request shall cite the reasons for the request. A rehearing may be granted only upon the affirmative vote of a majority of the Board of Supervisors. No amendment to an application shall be permitted in the rehearing process. Any amendment to an application after decision by the Board constitutes a new application.

6-1315

Status of Special Exception Uses. Once a special exception or minor special exception has been approved, any site plan, subdivision plat, building permit, occupancy permit thereafter submitted for the development or use of the property in accordance with the special exception or minor special exception shall be in substantial conformance with the approved special exception or minor special exception, and no development or use shall be approved by any County official in the absence of such conformance. Once established, the use, including any approved temporary special events, shall be conducted in substantial conformance with any conditions or restrictions imposed by the Board and all other requirements of this Ordinance.

- (A) No use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special exception or minor

special exception shall be modified unless an application is made and approved for a new special exception.

- (B) Notwithstanding the above, any modification to an approved and currently valid special exception or minor special exception to provide an accessibility improvement, as required by the Americans with Disabilities Act or the Commonwealth of Virginia, shall be permitted and shall not require approval of an amendment to the special exception or minor special exception or a new special exception or minor special exception.

6-1316

Modifications to Approved Special Exceptions.

- (A) **Minor Modifications.** Minor modifications to an approved special exception or minor special exception may be permitted by the Zoning Administrator when it is determined by the Zoning Administrator that such are in substantial conformance with the approved special exception or minor special exception and that such are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of governmental agencies; or are accessory uses; or are accessory structures or minor building additions as permitted below. In no event shall such modifications:
- (1) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the approved special exception or minor special exception use(s) and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
- (a) ~~Five~~Ten (~~\$10~~) percent of the approved gross floor area of the approved special exception or minor special exception use(s); and
- (b) The maximum permitted FAR for the zoning district in which located; ~~and~~
- ~~(c) The maximum density permitted by the approved special exception or minor special exception.~~
- (B) **Notice Requirements.** Any request for a minor modification to the approved special exception or minor special exception shall require the provision of written notice in accordance with the following:

- (1) The notice shall be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records), of all property abutting and across the street from the site, or portion thereof, which is the subject of the request. In addition, if the subject property is included within an incorporated owners' association, then notice shall also be required to such owners' association (at the address on file with the State Corporation Commission. Such notice shall be delivered by hand or sent by certified mail, return receipt requested; and
- (2) The notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
- (3) Prior to approval, an affidavit that notice has been sent shall be filed with the Zoning Administrator.

DATA CENTERS

Definitions:

Data Center. A data center or other facilities used to house computer systems and associated components, such as telecommunications and storage systems, coding systems, power supplies and systems for managing property performance (including generators), and equipment used for the transformation, transmission, distribution or management of electricity (including substations), internet-related equipment and services, data communications connections, environmental controls and security devices, structures and site features and related uses.

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5-661 Data Centers

Data Centers located in the PDOP District are subject to the following additional provisions:

(A) No Data Center shall be located on a lot which is adjacent to or within _____ feet of an arterial or collector road.

(B) The use shall comply with the landscaping and screening standards of Section 5-653(A).

(C) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(D) Mechanical equipment including rooftop equipment, but excluding antennae, shall be screened from view from street level of any streets abutting the lot on which the data center use is located.

5-1508 Steep Slope Standards.

(B) Applicability and Exemptions.

(2) Exemptions.

(d) Commercial, Business, Office and Industrial Zoned Property. Construction shall be conducted only in accordance with the Facilities Standards Manual and include best management practices.

ARTICLE 8 DEFINITIONS

Moderately Steep Slope Area: Land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to **man made** slopes, created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Very Steep Slope Area: Land areas with slopes greater than 25%. The Steep Slope Standards do not apply to **man made** slopes, created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Proposed Bed & Breakfast Zoning Ordinance Provisions

5-601(A) Bed and Breakfast Homestays/Farmstays and Bed and Breakfast Inns.

- (1) The owner shall reside on the premises, and shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The establishment shall not contain restaurant facilities, but may provide food service for overnight or other transient guests only. Bed and Breakfast Inns shall be subject to the requirements of 12 Virginia Administrative Code 5-421 (food service regulations) and 5-431 (sanitary regulations for hotels).
- (3) Weddings, receptions, parties, meetings, and similar for-profit activities:
 - (a) May be held at the facility, without the requirement of a temporary use permit under Section 5-500(C), as follows:
 - (i) Facilities located on 5 acres or less: no more than 50 attendees.
 - (ii) Facilities located on more than 5 acres: no more than 100 attendees.
 - (b) Facilities may host up to 20 for-profit events per year with a greater number of attendees than listed above, provided that the owner obtains a temporary use permit pursuant to Section 5-500(C).
 - (c) Additional for-profit gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.
- (4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement does not prohibit the uses necessary to support the establishment.
- (5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.
- (6) **Intensity/Character**
 - (a) A Bed and Breakfast Homestay/Farmstay may have 1 to 6 guest rooms or suites. A Bed and Breakfast Inn may have 7 to 10 guest rooms or suites. Rooms may be located within the primary residence, within separate cottages, or in other buildings as this Code allows in the regulations for each zoning district.

(b) **Parking.** Parking shall be provided as required by Section 5-1102 (generally requiring two spaces for the owner, and one space for each guest room). Exceptions to this provision are listed in Section 5-1102.

(c) **Exterior Lighting.** The facility may have shielded exterior porch lights and shielded pole lights not to exceed 8 feet in height. The facility may also have motion-sensitive security lights.

(d) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the facility, or its grounds or outbuildings, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall be limited to the hours of 10 am to 10 pm on Sunday through Thursday, and 10 am to 11 pm on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County.

(7) **Exception for Structures in Historic Districts.** A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed and Breakfast Homestay/Farmstay or Bed and Breakfast Inn, and shall be exempt from the minimum lot area, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by a minor special exception pursuant to Section 6-1300.

(8) Since these are residential uses of property, a site plan is not required as part of the application process. Owners may also make additions to existing structures, or add accessory buildings, as allowed by the applicable Code provisions within each zoning district, without the requirement of a site plan.

Comparison of Proposed vs. Current Bed & Breakfast Zoning Ordinance Provisions

~~5-601 Bed and Breakfast and Rural Guest Establishments.~~ These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

5-601(A) Bed and Breakfast **Homestays/Farmstays and Bed and Breakfast Inns.**

- (1) The owner ~~or manager~~ **shall reside on the premises**, and shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The establishment shall not contain restaurant facilities, but may provide food service for overnight or other transient guests only. **Bed and Breakfast Inns shall be subject to the requirements of 12 Virginia Administrative Code 5-421 (food service regulations) and 5-431 (sanitary regulations for hotels).**
- (3) Weddings, receptions, private parties, meetings, and similar **for-profit** activities:
 - (a) May be held at the ~~Bed and Breakfast with the maximum number of attendees based on the maximum sleeping capacity of the facility,~~ **without the requirement of a temporary use permit under Section 5-500(C),** as follows:
 - (i) Facilities located on 5 acres or less: no more than 50 attendees.
 - (ii) Facilities located on more than 5 acres: no more than 100 attendees.
 - (b) **Facilities may host up to 20 for-profit events per year with a greater number of attendees than listed above, provided that the owner obtains a temporary use permit pursuant to Section 5-500(C).** ~~The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall elapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department.~~
 - (c) Additional **for-profit** gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

(4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement ~~may be used~~ **does not prohibit the uses necessary** to support the establishment.

(5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(6) **Intensity/Character**

~~(a) The minimum lot area shall be as follows:~~

Use	Lot Area (Minimum)	No. of Guest Rooms
Level I small scale	5 acres	3-7 rooms
Level II medium scale	10 acres	8-10 rooms

(a) A Bed and Breakfast Homestay/Farmstay may have 1 to 6 guest rooms or suites. A Bed and Breakfast Inn may have 7 to 10 guest rooms or suites. Rooms may be located within the primary residence, within separate cottages, or in other buildings as this Code allows in the regulations for each zoning district.

~~(b) **Size of Use.** The floor area ratio shall not exceed 0.04.~~

~~(c) **Landscaping/Buffering/Screening.**~~

~~(i) The use shall comply with the landscaping and screening standards of Section 5-653(A)~~

~~(ii) Parking areas shall be screened to comply with the requirements of Section 5-653(B)~~

~~iii Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.~~

(b) **Parking. General.** Parking and loading for a bed and breakfast inn shall be provided as required by Section 5-1102 **(generally requiring two spaces for the owner, and one space for each guest room).** **Exceptions to this provision are listed in Section 5-1102.** ~~Surface.~~ All parking areas serving the use shall use a dust-free surfacing material as provided in the ~~Facilities Standards Manual.~~

(c) **Exterior Lighting.** The facility may have shielded exterior porch lights and shielded pole lights not to exceed 8 feet in height. The facility may also have motion-sensitive security lights. ~~Exterior lighting for a bed and breakfast inn shall be for security purposes only, subject to Section 5-652(1)-(3).~~

(d) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the facility, or its grounds or outbuildings, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall be limited to the hours of 10 am to 10 pm on Sunday through Thursday, and 10 am to 11 pm on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County.

(7) **Exception for Structures in Historic Districts.** A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a **Bed and Breakfast Homestay/Farmstay or Bed and Breakfast Inn**, and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by a minor special exception pursuant to Section 6-1300.

(8) **Since these are residential uses of property, a site plan is not required as part of the application process. Owners may also make additions to existing structures, or add accessory buildings, as allowed by the applicable Code provisions within each zoning district, without the requirement of a site plan.**

Conforming Changes to Other Sections of the Ordinance:

1. Amend **Section 5-601(B) Country Inn** as follows:

(2) In addition to guest rooms, the establishment may, by Minor Special Exception, contain a full service restaurant that may provide meal service to guests and the general public. Weddings, receptions, ~~private parties~~, meetings, and similar **for-profit** activities may be held at the County Inn ~~with the maximum number of attendees based on the maximum sleeping capacity of the facility~~ **for up to 150 guests, without the requirement of a temporary use permit under Section 5-500(C).** The hosting of the aforementioned gatherings in excess of ~~the maximum sleeping capacity of the facility~~ **150 guests** may be held up to ~~ten times~~ **20 times** per calendar year, **provided that a temporary use permit is obtained.** A minimum of 14 days shall elapse between such gatherings. ~~Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department.~~

2. Amend **Section 5-500 Temporary Uses/Zoning Permits** as follows:

5-500(C)(6) **Term of Approval/Permit.** Add the following sentence:

Bed and Breakfast Homestays/Farmstays, Bed and Breakfast Inns, and Country Inns (see Section 5-601) are authorized to receive an annual special event permit for the total number of allowed events in a calendar year.

5-500(C)(7) **Maximum Number of Non-exempt Special Events per Property.**

Within any single calendar year, the same property may host no more than ~~ten (10)~~ **twenty (20)** special events pursuant to this subsection **with the number of attendees greater than the numbers permitted in Section 5-601.** A minimum of 14 days shall lapse between special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous event. **An owner may list the anticipated number of events for the year on a single form, subject to a single fee, provided that there shall be no substantial physical changes to the property during the course of the calendar year.**

5-500(E)(2)

Unless the temporary event is addressed and covered through a previously approved special exception permit under subsection 5-500(C)(3) above, **or pursuant to an annual permit under subsection 5-500(C)(7) above,** a separate temporary zoning permit shall be obtained for each temporary use or event. The County may allow concurrent review and approval of applications for multiple temporary uses or events on the same property if it finds that concurrent review is feasible within the time frames established by this section.

3. Amend **Section 5-1102** as follows:

Section 5-1102 Number of Parking and Loading Spaces Required

5-1102(B)

(1) Residential Uses

(e) Sleeping Rooms, including boarding, lodging, bed and breakfast homestays/~~farmstays, bed and breakfast inns,~~ rectories and convents which are rented or used on an individual basis by non-family members.

4. Amend the lists of approved uses for each zoning district, as follows:

a. Move all references to Bed and Breakfast Homestay, and Bed and Breakfast Inn from the Commercial Uses sections to the Residential Uses sections. (Add references to Homestays/Farmstays and Inns to zoning districts, as appropriate.)

b. Replace the term "P/M" with "P."

c. Revise the approved uses for AR-1 and AR-2 by replacing the term "Bed and Breakfast" with "Bed and Breakfast Homestay/Farmstay" and "Bed and Breakfast Inn."

5. Amend **Article 8 Definitions**

a. Delete the current definition below:

Bed and Breakfast (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more structures which are used for providing overnight accommodations to the public and which may include rooms for meetings as well as Banquet/Event Facility(ies) for private parties as an ancillary use. An owner or manager may live on the premises. The number of guest rooms may range from three (3) to no more than ten (10). The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests attending meetings or private parties.

b. Replace the current definition with the following:

Bed and Breakfast Homestay/Farmstay: A private, owner-occupied dwelling, in which the accommodation of guests is incidental to the primary use of the building as a residence. Bed and Breakfast Farmstays provide accommodations that are ancillary to the rural, agricultural use of the property. One to six guest rooms or suites are permitted in one or

more structures. The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests attending meetings or private parties.

Bed and Breakfast Inn: A private, owner-occupied dwelling, in which the accommodation of guests is incidental to the primary use of the building as a residence. Seven to ten guest rooms or suites are permitted in one or more structures. The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests attending meetings or private parties.

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Section 4-500 PD-IP Planned Development - Industrial Park.

- 4-501 Purpose.** The district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.
- 4-502 Size and Location.** PD-IP districts shall be located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district shall be no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.
- 4-503 Permitted Uses.** The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.
- (A) Adult day care center.
 - (B) Agriculture, horticulture, forestry, or fishery.
 - (C) Commuter parking lot.
 - (D) Distribution facility.
 - (E) ~~Facility for scheduled lessons such as: dance, gymnastics, judo and sports training.~~ Facility for lessons such as but not limited to dance, gymnastics, judo, exercise studio and sports training.
 - (F) Flex industrial use, pursuant to Section 5-608.
 - (G) Office, administrative, business and professional, ~~(i.e. office uses) provided:~~
 - (1) ~~Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and~~
 - (2) ~~Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and~~
 - (3) ~~Office uses shall be the prominent features when viewed from adjacent roadways; and~~

- (4) ~~Other permitted uses may be co-located with office uses, provided such uses do not have frontage or direct access to an arterial or major collector road and will not exceed forty (40) percent of the gross floor area of the total land area of the industrial site or park; and~~
- (5) ~~Parking may be located in the side and rear yards and in no case shall parking be located between the building and the arterial or major collector road. On a corner or through lot, there shall be only one front yard as established by Section 1-205(C); and~~
- (6) ~~Buildings which contain office uses shall contain two stories or more.~~
- (H) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.
- (I) Post office.
- (J) Radio and television recording studio.
- (K) Recycling drop off collection center, small, pursuant to Section 5-607.
- (L) Research, experimental testing, or development activities.
- (M) Wholesale trade establishment.
- (N) Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants ~~excluding~~ including drive-throughs, business service establishments, personal service establishments, health and fitness centers, and automobile service stations, not to exceed a total of ~~five percent (5%)~~ twenty five percent (25%) of the total allowable floor area of the industrial park shown on a concept development plan.
- (O) Bakery, commercial.

- (P) Bank or financial institution, pursuant to Section 5-659.
- (Q) Dwelling, accessory to a permitted or special exception use.
- (R) Printing service.
- (S) Warehousing facility, pursuant to Section 4-507(E).
- (T) Auction house.
- (U) Business service establishment.
- (V) Health and fitness center.
- (W) Park.
- (X) Postal service, including overnight courier collection and overnight mail distribution facility.
- (Y) Restaurant, ~~carry-out only~~.
- (Z) Water pumping station.
- (AA) Utility substation, dedicated.
- (BB) Conference or training center.
- (CC) Sewer pumping station.
- (DD) Utility substation, distribution, pursuant to Section 5-616.
- (EE) Church, synagogue, temple or mosque.
- (FF) Motor vehicle service and repair, light.
- (GG) Telecommunications antenna, pursuant to Section 5-618(A).
- (HH) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (II) Funeral home, pursuant to Section 5-658.
- (JJ) Training Facility.
- (KK) Interactive Science & Technology Center.
- (LL) Outdoor Storage, Accessory up to 10% of gross ~~floor area of principal use~~ lot area.

- (MM) Contractor service establishment, ~~excluding retail sales and outdoor storage.~~
- (NN) Recreation establishment, outdoor or indoor, ~~provided:~~ .
- (1) ~~Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and~~
 - (2) ~~Recreation establishments shall include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.~~
- (OO) Convenience Store
- (PP) Civic, social, fraternal association meeting place.
- (QQ) Educational institution.
- (RR) Hospital, pursuant to Section 5-610.
- (SS) Hotel/Motel, pursuant to Section 5-611.
- (TT) Data Center
- (UU) Medical care facility.
- (VV) Child care center, pursuant to Section 5-609(B).
- (WW) Fire and/or rescue station.
- (XX) Automotive service station.
- (YY) Car wash.
- (ZZ) Personal service establishment.
- (AAA) Gas pumps, accessory to a convenience food store, pursuant to Section 5-617.
- (BBB) School, public and private.
- (CCC) Police station.
- (DDD) Motocycle or ATV rental, repair and associated service.

(EEE) Animal hospital.

(FFF) Telecommunications monopole, pursuant to Section 5-618(B)(2).

4-504

Special Exception Uses. The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

- (A) ~~Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G).~~
- (B) ~~Civic, social, fraternal association meeting place.~~
- (C) ~~Educational institution.~~
- (D) Golf driving range.
- (E) Heliport, helistop.
- (F) ~~Hospital, pursuant to Section 5-610.~~
- (G) ~~Hotel/Motel, pursuant to Section 5-611.~~
- (H) Public utility service center with or without storage yard.
- (I) Sewage treatment plant.
- (J) ~~Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants, excluding drive throughs, business service establishments, personal service establishments, health and fitness centers and automobile service stations; but not to include such uses as car repair except in conjunction with an automobile service station; in excess of five (5%) percent but not to exceed a total of 25% of the total allowable floor area of the industrial park shown on a concept development plan.~~
- (K) Utility substation, transmission, pursuant to Section 5-616.
- (L) Utility transmission lines, overhead.
- (M) Water treatment plant.
- (N) ~~Telecommunications monopole, pursuant to Section 5-618(B)(2).~~
- (O) Medical care facility, outpatient only.

- (P) Motor vehicle service and repair, heavy.
- (Q) Printing service plant.
- (R) Child care center, pursuant to Section 5-609(B).
- (S) Fire and/or rescue station.
- (T) Dry cleaning plant.
- (U) Automotive service station.
- (V) Car wash.
- (W) Golf course.
- (X) Motor vehicle rental, with outdoor vehicle storage only.
- (Y) ~~Personal service establishment~~
- (Z) ~~4-503(NN). Recreation establishment, outdoor or indoor, which do not meet the criteria contained in Section~~
- (AA) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (BB) Mass transit facilities and stations.
- (CC) Water storage tank.
- (DD) Firearm range, archery range, indoor.
- (EE) ~~Gas pumps accessory to a convenience food store, pursuant to Section 5-617.~~
- (FF) Storage, outdoor accessory in excess of 10% of gross floor area of principal use lot area.
- (GG) Parking Lot/Valet Service, Long-Term.
- (HH) Car wash, accessory to a convenience food store, pursuant to Section 5-617.
- (II) ~~School, public and private.~~
- (JJ) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (KK) ~~Police station.~~

(LL) Motorcycle or ATV sales, ~~rental, repair and associated service.~~

(MM) ~~Animal hospital.~~

(NN) Camp, day.

4-505

Lot Requirements.

(A) **Size.** One (1) acre minimum, exclusive of major floodplain.

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy five (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than ~~sixty (60)~~ thirty five (35) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. When a PD-IP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-IP, the setback required in (B)(3) below shall apply.

(3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.

(4) **Yards Between Buildings.**

- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-506 Building Requirements.

- (A) **Lot Coverage.** ~~.45~~ .60 maximum.
- (B) **Building Height.** Forty-five (45) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each ~~one (1)~~ ten (10) foot of height that it exceeds the 45-foot limit.
- (C) **Floor Area Ratio.** ~~.40~~ .60 maximum; up to .60 by Special Exception. A building may be constructed in excess of the .60 FAR within the district; however, the overall district FAR approval cannot exceed .60.
- (D)

4-507 Use Limitations.

- (A) ~~**Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided in Section 5 1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.~~

- (B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.
- (C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading area, and parking from streets and agricultural and residential uses.
- (D) **~~Outdoor Storage, Accessory.~~ Move to Performance Standards, Section 5-6??.**
- (1) ~~No storage of any kind shall be permitted within any front yard, except for underground bulk storage of gasoline or petroleum products.~~
 - (2) ~~Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or lease vehicles within enclosed areas defined in (3) below.~~
 - (3) ~~Outdoor storage of new and reusable materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator. Such areas must be buffered and screened on the periphery of the storage area.~~
 - (4) ~~Waste materials must be stored in a closed container. The burning of waste materials is prohibited.~~
- (E) **Retails Sales as an accessory use.** ~~Warehousing facilities~~ Any principal use may have retail sales as an accessory use in accordance with the following:
- (1) ~~Such warehousing facility stores goods for at least one retail establishment located in a zoning district where retail is a permitted principal use.~~
 - (2) At least ~~eighty (80)~~ seventy five (75) percent of the gross floor area of the facility is devoted to ~~warehousing facility~~ the principal use that is not a display area or retail sales area and is not accessible to the public.
 - (3) Such use shall be designed so that pedestrian and vehicular circulation are coordinated with that on-site and on adjacent

properties and vehicular access to the site shall be provided via the internal circulation system of the industrial park.

- (4) Such use shall be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles and pedestrian traffic.
- (5) Any improvements, such as but not limited to additional parking spaces, travel aisles, additional landscaping, and additional floor area required as the result of the introduction of retail uses to an area designed and developed for industrial uses shall be provided.
- (6) All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be in completely enclosed facilities.
- (7) Notwithstanding the requirements of Section 5-1102 Parking, the retail use shall require one (1) parking space per 500 gross square feet.
- (8) No additional signs are permitted for the retail use; signage for the ~~warehousing facility~~ principal use shall be as provided for in Section 5-1204(D).
- (9) Submission and approval of a site plan or amended site plan, as appropriate, prior to the establishment of retail sales is required to demonstrate compliance with the aforementioned Use Limitations.

Move Above Highlighted Sections to Section 5-6??

(F) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic. Principal vehicular access routes for public schools shall be designed to avoid through traffic by vehicles serving adjacent industrial properties.

(G) **Development Setback and Access from Major Roads.** In designing an industrial park development, the following requirements shall be observed:

- (1) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance.

Notwithstanding the foregoing, schools shall be permitted emergency access to an arterial or major collector road.

- (2) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.
- (3) Public school buildings shall have a minimum setback of 100 feet from adjacent industrially zoned property.
- (H) **Utility Requirements.** All utility distribution lines located on PD-IP zoned land shall be placed underground. This requirement does not apply to existing aerial utility lines along the peripheral of the parcel/development area.
- (I) **Pedestrian Access for Public Schools.** Public school sites shall provide bicycle and pedestrian accommodations to adjacent residential communities.
- (J) **On-Site Parking of Business Vehicles.** Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

Section 4-300

PD-OP Planned Development - Office Park.

4-301 Purpose. A Planned Development - Office Park district is established primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height, and careful attention to such aesthetic considerations as location and size of signs, lighting, parking and service areas and the like.

4-302 Size and Location. When mapped, the district shall be no less than five (5) acres and shall be located:

- (A) On arterial or collector roads.
- (B) In areas served by public water and sewer facilities.
- (C) In areas compatible with other commercial development.
- (D) As envisioned in the Comprehensive Plan.

Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-OP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-303 Permitted Uses. The following uses shall be permitted in any PD-OP district, subject to the requirements and limitations of these regulations:

- (A) Office, administrative, business and professional.
- (B) Bank or financial institution, pursuant to Section 5-659.
- (C) Commuter parking lot.
- (D) Health and fitness center.
- (E) Office, medical and dental.
- (F) ~~The following accessory uses shall be permitted provided they are located in the same building as the permitted principal uses primarily served, and provided they occupy in the aggregate not more than twenty percent (20%) of the floor area of such building:~~
 - (1) ~~Central reproduction and mailing services, and the like.~~

- (2) ~~Quick print shop.~~
- (3) ~~Restaurant, including carry out, but excluding drive-through.~~
- (4) ~~Establishments for sale of office supplies and service of office equipment.~~
- (5) ~~News stand.~~
- (6) ~~Pharmacies pursuant to Section 5-659, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances shall be permitted in buildings containing optical establishments or clinics.~~
- (7) ~~Personal service establishment.~~
- (G) Post office.
- (H) Adult day care center.
- (I) Educational institution.
- (J) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (K) Printing service.
- (L) Agriculture, horticulture, forestry, and fishery.
- (M) Business service establishment.
- (N) Conference or training center.
- (O) Library.
- (P) Park.
- (Q) Public utility service center, without outdoor storage.
- (R) Radio and television recording studio.
- (S) Research, experimental, testing or development activities.
- (T) Utility substation, dedicated.
- (U) Water pumping station.

- (V) Sewer pumping station.
- (W) Utility substation, distribution, pursuant to Section 5-616.
- (X) Church, synagogue and temple.
- (Y) Child care center, pursuant to Section 5-609.
- (Z) Telecommunications antenna, pursuant to Section 5-618(A).
- (AA) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (BB) Training Facility.
- (CC) Hospital, pursuant to Section 5-610.
- (DD) Hotel/Motel, pursuant to Section 5-611.
- (EE) Medical care facility, outpatient only.
- (FF) Fire and/or rescue station
- (GG) Facility for lessons such as but not limited to dance, gymnastics, judo, exercise studio and sports training.
- (HH) School, public and private.
- (II) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.
- (JJ) Car Wash.
- (KK) Police Station.
- (LL) Data Center, pursuant to Section 5-661
- (MM) The following accessory and auxiliary uses shall be permitted on a stand-alone basis or located in the same building as the permitted principal uses primarily served, provided they occupy in the aggregate not more than forty percent (40%) of the floor area of such building or forty percent (40%) of the total FAR for the development, whichever is applicable.
 - (1) Central reproduction and mailing services, and the like.
 - (2) Quick print shop.
 - (3) Restaurant, including carry-out and drive-through.

- (4) Establishments for sale of office supplies and service of office equipment.
- (5) News stand.
- (6) Pharmacies pursuant to Section 5-659, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances shall be permitted in buildings containing optical establishments or clinics.
- (7) Personal service establishment.
- (8) Retail
- (9) Automobile service stations.

4-304

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to conditions pursuant to the provisions of Section 6-1300.

- (A) Heliport, helistop.
- (B) ~~Hospital, pursuant to Section 5-610.~~
- (C) ~~Hotel/Motel, pursuant to Section 5-611.~~
- (D) Radio, radar and/or television tower.
- (E) ~~Medical care facility, outpatient only.~~
- (F) ~~Uses auxiliary to permitted principal uses on a stand alone basis such as, but not limited to, restaurants including carry out, and drive through facilities, personal service establishments, banks and financial institutions, and automobile service stations.~~
- (G) Utility substation, transmission, pursuant to Section 5-616.
- (H) Utility transmission lines, overhead.
- (I) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (J) ~~Fire and/or rescue station.~~
- (K) Golf course.
- (L) Mass transit facilities and stations.

- (M) ~~Personal service establishment.~~
- (N) ~~Restaurant.~~
- (O) Sewage treatment plant.
- (P) Water treatment plant.
- (Q) Water storage tank.
- (R) ~~Facility for lessons in dance, gymnastics, judo, and sports training.~~
- (S) ~~School, private, accessory to a church.~~
- (T) ~~Gas pumps accessory to a convenience food store, pursuant to Section 5-617.~~
- (U) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (V) ~~Police station.~~
- (W) ~~School, public.~~

4-305

Lot Requirements.

- (A) **Size.** One (1) acre minimum, exclusive of major floodplain.
- (B) **Yards.**

- (1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.
- (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than ~~(400)-50-~~ feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty ~~(50)~~ 35-feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned

residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. When a PD-OP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-OP, the setback required in (B)(3) below shall apply.

- (3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.

- (4) **Yards Between Buildings.**

(a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

(b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least (25) feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-306

Building Requirements.

- (A) **Lot Coverage.** ~~40~~ .60 maximum for the district.

- (B) **Building Height.** Forty-five (45) feet provided that a building may be erected to a maximum height of (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not

less than one (1) foot for each ~~one (1)~~ ten (10) foot of height that it exceeds the forty-five (45) foot limit. The additional setback associated with an increased building height does not apply to those buildings subject to Section 5-900.

- (C) **Floor Area Ratio.** .60 maximum; up to 2.0 maximum by Special Exception. A building may be constructed in excess of the .60 FAR within the district; however, the overall district FAR approval cannot exceed .60.

4-307

Use Limitations.

- (A) ~~**Accessory Uses.** Accessory uses exclusive of parking shall not occupy more than five percent (5%) of the land area of the individual lot.~~
- (B) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter parking may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (C) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such open space shall be landscaped and maintained in accord with Section 5-1400.
- (D) **Utility Requirements.** All utility distribution lines located on PD-OP zoned land shall be placed underground. This requirement does not apply to existing aerial utility lines along the peripheral of the parcel/development area.
- (E) **Site Planning.** Within any PD-OP district, landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.
- (F) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance.
- (1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

Section 3-1000

MR-HI Mineral Resource - Heavy Industry.

- 3-1001 Purpose.** This district is established in order to protect the mineral resources, primarily diabase rock, of the County for possible future economic development, to provide for diabase resource extraction operations at appropriate locations and under controlled conditions; to co-locate with quarries compatible heavy industrial uses; to permit continued agricultural practices, and to permit residential and other uses only to the extent that they may be compatible with resource extraction. This district is to be applied as a long term, but interim, district, recognizing that areas devoted to resource extraction may and should be converted, ultimately, to other compatible and beneficial uses consistent with the Comprehensive Plan.
- 3-1002 Size and Location.** Except for those districts mapped to MR-HI concurrently with the adoption of this Ordinance, the minimum district size for this district shall be six hundred (600) acres. Contiguous additions of not less than ten (10) acres shall be allowed when approved pursuant to Section 6-1200. The district is to be established in areas contemplated as appropriate for resource extraction use in the Comprehensive Plan.
- 3-1003 Permitted Uses.** The following uses are permitted in this district:
- (A) **Mineral Resource Extraction and Processing (MREP) uses:**
 - (1) Asphalt mixing plant.
 - (2) Manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use.
 - (3) Extraction of mineral resources, pursuant to Section 5-6__.
 - (4) Sawmill or wood processing facility.
 - (5) Concrete mixing plant.
 - (6) Crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property.
 - (7) Material recovery facility, pursuant to Section 5-607(D).
 - (B) **Other uses:**
 - (1) Agriculture, horticulture, forestry, or fishery.

- (2) Animal Day Care facility
- (3) Nursery, commercial.
- (4) Country club.
- (5) Fruit processing or storage.
- (6) Fairground.
- (7) Storage, for coal, lumber, building material, contractor equipment, and similar material.
- (8) Warehousing facility.
- (9) Wholesale trade establishment.
- (10) Bakery, commercial.
- (11) Business service establishment.
- (12) Contractor service establishment with accessory outdoor storage.
- (13) Distribution facility.
- (14) Dwelling, single-family, accessory to permitted or special exception uses.
- (15) Heavy equipment and special vehicle repair.
- (16) Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.

- (17) Motor vehicle service and repair, heavy, accessory to an approved principal use.
- (18) Outdoor sales area, accessory.
- (19) Park.
- (20) Veterinary service.
- (21) Animal hospital.
- (22) Outdoor storage, vehicles.
- (23) Water pumping station.
- (24) Utility substation, dedicated.
- (25) Retail sales of crushed stone or architectural stone products, accessory to an approved quarry use.
- (26) Sewer pumping station.
- (27) Utility substation, distribution, pursuant to Section 5-616.
- (28) Storage, outdoor accessory.
- (29) Motor vehicle service and repair.
- (30) Motor vehicle storage and impoundment.
- (31) Telecommunications antenna, pursuant to Section 5-618(A).
- (32) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (33) Telecommunications tower, pursuant to Section 5-618(C)(1).
- (34) Storage of empty solid waste vehicles and containers.
- (35) Fire and/or rescue station.
- (36) Golf course.
- (37) Kennel.
- (38) Police Station.

3-1004

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) **MREP uses:**

- (1) Automobile graveyard or junk yard.
- (2) Crushing, treating, washing and/or processing of materials, pursuant to Section 6-13__.
- (3) Manufacturing of concrete block, cinderblock or pre-formed concrete products.
- (4) Solid waste incinerator, landfill or transfer station.
- (5) Stone quarrying, pursuant to Sections 5-6__ and 6-13__.
- (6) Borrow pit for road construction.
- (7) Storage, bulk gasoline, petroleum products and natural gas, small and large.
- (8) Utility generating plant or transmission facility.
- (9) Vegetative waste management facility.

(B) **Other uses:**

- (1) Cemetery, mausoleum and memorial park.
- (2) Utility transmission lines, overhead.
- (3) Sewage treatment plant.
- (4) Utility substation, transmission, pursuant to Section 5-616.
- (5) Water treatment plant.
- (6) Automotive service station.
- (7) Commuter parking lot.
- (8) Dry cleaning plant.
- (9) Firearm range, indoor.
- (10) Heavy equipment and specialty vehicle sales.

- (11) Mass transit facilities and stations.
- (12) Storage, mini-warehouse.
- (13) Printing service, plant.
- (14) Water storage tank.
- (15) Crematorium.

3-1005

Lot Requirements.

(A) **MREP uses:**

- (1) **Size.** 3 acres minimum, exclusive of major floodplain.
- (2) **Width.** 300 feet minimum fronting on Class I roads; 200 feet fronting on Class II roads or private access easements.
- (3) **Depth.** 500 feet minimum.
- (4) **Length/Width Ratio.** 3.5 times lot width maximum.
- (5) **Yards.** No structure or use shall be located within fifty (50) feet of any property line.
- (6) **Development Setback From Major Roads.** In designing industrial development, the requirements of Section 5-900 shall be observed.

(B) **Other uses:**

- (1) **Size.** 1 acre, exclusive of major floodplain.
- (2) **Width.** 100 feet minimum fronting on Class I, Class II or private roadways.
- (3) **Depth.** No minimum.
- (4) **Length/Width Ratio.** None.
- (5) **Yards.**
 - (a) **Front Yard.** 30 feet minimum.
 - (b) **Side Yard.** 15 feet minimum, except where abutting zoning district is not MR-HI, in which case minimum side yard will increase to 50 feet.

- (6) **Development Set from Major Roads.** Pursuant to the requirements of Section 5-900.

3-1006 Building Requirements.

- (A) **Lot Coverage.** 50 percent maximum.
- (B) **Building Height.** Forty-five (45) feet maximum for all buildings except non-habitable structures associated with a **MREP** operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of two (2) feet for each one (1) foot in height above forty (40) feet. Such structures require special exception approval for heights in excess of 120 feet.
- (C) **Floor Area Ratio.** .75 maximum.

3-1007 Use Limitations.

- (A) **Prohibited Uses.** No uranium mining or well water fields are permitted in this district.
- (B) **Nonresidential Uses.** For adjacent properties, no commercial, industrial or other nonresidential building shall be located within fifty (50) feet from the property line of an existing and/or approved quarry operation.
- (C) **Outdoor Storage.** No storage of any kind shall be permitted within any front yard.
- (D) **Utility Requirements.** All utility distribution lines in the MR-HI district shall be placed underground.

Move to 5-600

- (E) **Mineral Resource Extraction Operations (MREO) Uses.**
- (1) The pit wall of a **MREO** shall be a minimum of 1000 feet from the MR-HI district boundary, except in the following situations:
- (a) Where **MREOs** are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town, the minimum distance from the quarry pit wall to the district boundary may be reduced to a minimum of 200 feet as a result of

special exception approval, which assures such reduction is compatible with adjacent land uses.

- (b) Where **MREOs** are adjacent to a public road of four (4) or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Plan to be four (4) or more lanes, the distance may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.
 - (c) Where **MREOs** are adjacent to the GB district, the setback may be reduced to a minimum of 200 feet.
 - (d) Where **MREOs** are adjacent to the PD-GI or CLI district, the setback may be reduced to a minimum of 50 feet.
- (2) Structures and buildings enclosing processing equipment associated with **MREOs**, including crushers, conveyors, washers and screeners, shall be located a minimum of 500 feet from the district boundary, except where **MREOs** are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town. In such cases, the distance may be reduced to a minimum of 200 feet as a result of special exception approval which assures abutting lands are adequately buffered from the processing operations.
- (3) Other structures and buildings related to **MREOs**, including scale houses and storage yards, shall be located a minimum of 200 feet from the district boundary. Such structures shall also be located a minimum of 100 feet from all public roads within the district. Provided, however, that where such structures are adjacent to the GB, CLI or PD-GI districts, the setback may be reduced to a minimum of 50 feet.
- (4) Buildings devoted solely to office and administrative uses shall be a minimum of 50 feet from the district boundary.

Move to 6-13__

3-1008

Stone Quarrying Special Exception Permit Applications. The establishment of any new stone quarrying operations, or the expansion of any existing stoning quarrying operations beyond previously granted approvals, require Special Exception approval and are subject to issuance of a special exception by the Board of Supervisors in accordance with Section 6-1300. In addition to the requirements of Section 6-403, all applications for stone quarrying uses shall be accompanied by the following items:

- (A) Five (5) copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat shall show:
 - (1) The boundary of the entire tract by metes and bounds.
 - (2) Development limits and topography in contour intervals of five (5) feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator.
 - (3) Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment.
- (B) One (1) aerial photograph, at a scale of 1" = 200', and certified as flown not earlier than six (6) months prior to the date on which the application is submitted. The area covered by such photo shall include:
 - (1) All land included in the application and within 2,000 feet of the area covered by the application, and
 - (2) All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use.
- (C) A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in Section 3-1008(B)(2).
- (D) A conceptual description of the proposed operation describing the anticipated location, process, equipment and scale of the proposed operation including all special exception and accessory uses.

(E) A transparent overlay, at the same scale and covering the same area as the aerial photograph required in Section 3-1008(B)(2) depicting the location, limits and approximate square footage of the following items:

- (1) Area of any known previous, currently active and proposed excavation.
- (2) Area of active and proposed settling ponds and washing facilities.
- (3) Areas of existing and proposed crushing or treatment facilities.
- (4) Areas of existing and proposed storage of extracted material.
- (5) Areas of existing and proposed production facilities or resource related uses.
- (6) Location and type of any existing and proposed erosion control, stormwater management and BMP facilities.
- (7) Location and type of structures, fencing and security measures or other appropriate safeguards to prevent access by unauthorized persons.
- (8) Location and type of buffering of adjacent land uses to be provided pursuant to Section 5-1400 of this Ordinance.

(F) A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of increased flooding or undesirable rise or reduction in ground water levels, erosion caused by increased rate of flow or redirection of flow in flood channels, deposits of debris from flood or erosion, excessive slopes remaining at cuts or fills, or undermining or creation of settlement in adjoining areas.

(G) A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State. The plan for restoration shall demonstrate conceptually the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district. Among items to be included in such plans are vehicular circulation patterns in and around the site, the treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use, treatment of slopes to prevent

erosion and delineation of floodways and floodplains (if any) to be maintained in open usage. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan shall be acceptable as an initial submission. The County shall have the right to request such additional information as it deems necessary.

- (H) A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued.
- (I) A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells.
- (J) As a condition of approval, the applicant may be required to post with the County a bond in an amount to be set by the Board of Supervisors. If required, such bond shall be with surety satisfactory to the Board of Supervisors. The bond shall be conditioned upon restoration in accordance with the approved restoration plan within 360 days following the expiration of the special exception. The bond shall be accompanied by an instrument in writing granting, to the County or its officers, agents and employees, a right to enter the property which is the subject of the special exception for the purpose to inspect of any restoration if required.
- (K) An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within two thousand (2000) feet of the proposed uses, and depicting proposed mitigation measures.

Section 3-900

CLI - Commercial Light Industry.

- 3-901 Purpose.** The purpose of the CLI district is to accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50/John Mosby Highway Corridor. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor. The district may allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.
- 3-902 Size and Location.** The CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas of the County shall not be permitted.
- 3-903 Permitted Uses.** The following uses shall be permitted in the CLI district subject to the requirements and performance criteria of these regulations:
- (A) Adult day care facility, pursuant to Section 3-907(F).
 - (B) Animal hospital.
 - (C) Animal Day Care Facility
 - (D) Bakery, commercial.
 - (E) Business service establishment, pursuant to Section 3-907(F).
 - (F) Child care center, pursuant to Section 5-609(B) and Section 3-907(F).
 - (G) Church, synagogue and temple.
 - (H) Conference or training center, pursuant to Section 3-907(F).
 - (I) Dwelling, single family attached or multi-family, accessory to permitted or special exception uses, pursuant to Section 5-6.
 - (J) Educational institution, pursuant to Section 3-907(F).
 - (K) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(H).

- (L) Facility for providing lessons in dance, martial arts and similar activities.
- (M) Fire and/or rescue station.
- (N) Flex industrial uses, pursuant to Section 5-608.
- (O) Funeral home or mortuary.
- (P) Health and fitness center, pursuant to Section 3-907(F).
- (Q) Hotel/Motel, 75 rooms or greater, pursuant to Section 5-611 and Section 3-907(F).
- (R) Mass transit facilities.
- (S) Medical care facility, outpatient only, pursuant to Section 3-907(F).
- (T) Nursery, commercial.
- (U) Office, administrative, business and professional, pursuant to Section 3-907(F).
- (V) Park, public.
- (W) Police Station.
- (X) Post office, drop off and pick up.
- (Y) Postal service, including overnight mail distribution facility.
- (Z) Printing service.
- (AA) Public utility service center, without outdoor storage.
- (BB) Research, experimental, testing or development activities.
- (CC) Sewer pumping station.
- (DD) Telecommunications antenna, pursuant to Section 5-618(A).
- (EE) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (FF) Utility substation, dedicated.
- (GG) Utility substation, distribution, pursuant to Section 5-616.

- (HH) Veterinary service.
- (II) Warehousing facility.
- (JJ) Water pumping station.
- (KK) Wholesale trade establishment.
- (LL) Data Center.
- (MM) Art Gallery.
- (NN) Bank or Financial Institution, pursuant to Section 5-659.
- (OO) Distribution Facility.
- (PP) Kennel, indoor, pursuant to Section 5-606.
- (QQ) Motor vehicle service and repair, light.
- (RR) Museum of Exhibition Facility.
- (SS) Personal service establishment.
- (TT) Private club or lodge.
- (UU) Restaurant.
- (VV) Retail sales establishment.

3-904

Special Exception Uses. The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(F) and all other applicable performance criteria.

- (A) ~~Art Gallery~~
- (B) Automotive Service Station.
- (C) ~~Bank or Financial Institution, pursuant to Section 5-659.~~
- (D) Convenience food store with or without gas pumps.
- (E) Convention Facility.
- (F) Car wash.

- (G) Contractor Service Establishment.
- (H) ~~Distribution Facility.~~
- (I) Heliport or helistop.
- (J) ~~Kennel, indoor, pursuant to Section 5-606.~~
- (K) Motor vehicle rental.
- (L) Motor vehicle sales.
- (M) ~~Motor vehicle service and repair, light.~~
- (N) ~~Museum or Exhibition Facility.~~
- (O) ~~Personal service establishment.~~
- (P) ~~Private club or lodge.~~
- (Q) Public utility service, with outdoor storage.
- (R) Radio, radar and/or television tower.
- (S) ~~Restaurant.~~
- (T) ~~Retail sales establishment.~~
- (U) Sewage treatment plant.
- (V) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (W) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (X) Utility substation, transmission, pursuant to Section 5-616.
- (Y) Utility transmission lines, overhead.
- (Z) Water storage tank.
- (AA) Water treatment plant.

3-905

Lot Requirements.

- (A) **Size.** ~~Two (2)~~ One (1) acres minimum.
- (B) **Width.** 200 feet minimum.

(C) **Depth.** 200 feet minimum.

(D) **Yards.**

(1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, thirty five (35) feet for building; twenty five (25) feet for parking.

(2) **Adjacent to Parcel Boundaries.**

(a) **With Other Nonresidential Districts.** 25 feet minimum, buildings; 10 feet minimum, parking lot, loading unloading areas, and areas for the collection or storage of refuse. The Zoning Administrator may waive the parking lot yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.

(b) **With Residential Districts.** 25 feet minimum. No building, parking lots, loading/unloading areas, outdoor storage, or areas for the collection or storage of refuse shall be permitted in any required yard adjacent to a residential zoning district.

3-906

Building Requirements.

(A) **Lot Coverage.** ~~45~~ 60 percent maximum.

(B) **Building Height.** ~~45~~ 55 feet maximum. The maximum building height may be increased provided that one (1) foot is added to each of the required yard setbacks for each additional one (1) foot of building height up to a maximum of (~~55~~ 100) feet total height. Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.

(C) **Base Floor Area Ratio.** 0.30 maximum.

(D) **Adjusted Base Floor Area Ratio.**

(1) The base floor area ratio in the CLI district may be increased on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:

- (a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the *Code of Virginia*, 1950 as amended) if:
- (i) Such properties are not located at an existing median break of such road; and
 - (ii) The owner(s) of such properties permanently relinquish direct access to such road; and
 - (iii) The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses. Such shared access agreements shall remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement. The shared access agreement shall be depicted on the site plan(s) for the subject parcels and shall include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation Services and VDOT.
- (b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the *Code of Virginia*, 1950 as amended) if the owner(s) of such properties consolidates such properties for development purposes with a contiguous parcel of land or when owner's file a unified plan for development which, when so combined or unified, total at least 20 acres.
- (c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-

way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 feet along the road.

- (2) The density increase can be granted singly or cumulatively.

3-907

Performance Criteria. The purpose of the following sections is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district as a principal gateway into Loudoun County.

- (A) **Transportation Design.** Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. To the maximum extent feasible, land development applications shall identify opportunities and methods for shared access and inter-parcel linkages.

- (B) **Buffering and Screening.** Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection of materials, supplies, and/or refuse and garbage, shall be screened so that such areas are not visible from any public right-of-way and/or residential use. Areas for the collection and storage of refuse and outdoor storage areas shall be fully enclosed by a structure composed of opaque materials. Such materials shall be compatible with those used in the exterior construction of the principal building.

- (C) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot.

(D) **Off-Street Parking and Loading Facilities.** All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve. No off-street parking or loading facilities shall be located in required landscaped yards. Off-street parking areas shall, to the maximum extent feasible, be located to the rear of the buildings.

(E) **Accessory Uses.** The following accessory uses shall be permitted in the district:

- (1) Administrative office for permitted and/or special exception uses, not to exceed ~~20~~ 40 percent of the floor space of the principal use.
- (2) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.
- (3) Retail sales and personal service uses for permitted and/or special exception uses, not to exceed ~~40~~ 25 percent of the floor space of the principal use.
- (4) Outdoor storage for permitted and/or special exception uses, not to exceed 25 percent of the gross ~~floor lot area of the principal use~~. No storage of any kind shall be permitted within any required yard.
- (5) Restaurant and restaurant carry-out.

(F) **Access Limitation for Certain Uses.** For the uses listed in Section 3-903 as being pursuant to this section and all uses listed in Section 3-904, direct access to a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) shall be limited to right-turn-in and out entrances only as approved by VDOT. Prior to approval of site plan for these uses, owner's must agree to relinquish direct access rights to such primary highway, at no cost to the County or VDOT, when alternative access to the site becomes available.

(G) **Vehicular Access and Circulation.** Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

- (H) **Pedestrian Access and Circulation.** Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic and to enable safe and convenient pedestrian access to all buildings, parking and other facilities. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments. Land development applications shall delineate the on-site pedestrian system and provide connections to such systems in adjacent developments as well as public networks, if applicable.
- (I) **Utility Requirements.** All utility distribution lines in the CLI district shall be placed underground.
- (J) The following uses shall not be permitted:
- (1) Alcoholic beverage manufacturing.
 - (2) Ammonia, bleaching powder or chlorine manufacture.
 - (3) Blast furnace.
 - (4) Boiler works.
 - (5) Chemicals and acid manufacture or storage.
 - (6) Distillation of coal, wood or bones.
 - (7) Distillation of turpentine or varnish.
 - (8) Dye works.
 - (9) Emery cloth manufacture.
 - (10) Fertilizer manufacture.
 - (11) Fireworks.
 - (12) Fish canning, curing, grinding or smoking.
 - (13) Garbage incineration other than in municipal plants.
 - (14) Glue, size or gelatin manufacture.
 - (15) Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, animal refuse, rancid fats or refuse of dead animals.
 - (16) Iron, steel or copper works, foundries or smelting facilities.

- (17) Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.
- (18) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.
- (19) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.
- (20) Pyroxylin or celluloid manufacture.
- (21) Pulverizing of charcoal or coal.
- (22) Soap manufacture.
- (23) Stockyards.
- (24) Tanning, curing or storing of raw hides or skins.
- (25) Tetra-ethyl lead precipitate liquid manufacture.
- (26) Vinegar manufacture.
- (27) Wool pulling and scouring.
- (28) Material recovery facility.
- (29) Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.

(K) **Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway.**

- (1) All parcels with frontage on a primary highway (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).

- (L) **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.

- (M) **Building Orientation.** The front façade and principal public entrance of all buildings shall be oriented toward an adjacent public street.
- (N) **Screening of Mechanical Equipment.** Mechanical equipment, whether ground level or rooftop, shall be in accordance with Buffer Yard Type 3, screened from view from adjacent properties and public rights-of-way and designed to be perceived as an integral part of the principal building. For the purposes of this section, mechanical equipment shall include, but not be limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet shall be equal to the top of the highest mechanical unit but shall not exceed the maximum height allowed in the district by more than 3 feet.

STAKEHOLDER
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((NOTE: This proposal is made because these requirements should be in the FSM where all Site Plan content is explained (thus creating one source of “how to”). The FSM Public Review Committee should coordinate this with other FSM requirements. This requirement, once placed in the FSM, should allow for a one time digital submission, and not require for multi-phase development each site plan to contain the duplicative data.))

6-702

Site Plan Requirements. The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Test of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

Division D: Landscaping, Buffering and Tree Preservation

Section 5-1300 Tree Planting and Replacement.

5-1301 Purpose. The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.2-961 of the Code of Virginia.

5-1302 General Standards.

- (A) All trees to be planted shall meet the specifications of the American Association of Nurserymen.
- (B) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.
- (C) The minimum caliper of all deciduous trees planted shall be one (1) inch, and the minimum height of all evergreen trees shall be six (6) feet.

5-1303 Canopy Requirements.

- (A) **Site Planning.** A Final Site Plan, or Construction Plans and Profiles for single family attached units in those districts where applicable, required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be provided as follows: **Twenty(20)**
 - (1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.
 - (2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.
 - (3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached

units with densities of eleven (11) to nineteen (19) units per acre.

- (4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

(B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, AR-1, AR-2, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, AR-1, AR-2, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of ~~ten (10)~~ years, minimum tree canopies will be provided as follows: **Twenty(20)**

- (1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.
- (2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 10 year maturity.
- (3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the minimum tree canopy requirements in (1) and (2) above.
- (4) Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

Table 5-1414(A)

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Junk Yard Fuel Sales													
Group 13 Farming, including livestock and horticultural activity Fur Bearing Animal Raising Stable and Equestrian Center	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

(B) Buffer Yard.

Table 5-1414(B)

Required Plantings per 100 Lineal Feet of Property Line					
Buffer Yard Type	Canopy Trees	Understory Trees	Shrubs	Evergreen Trees	Other Requirements
(1) Type 1 **					
Front	2	0	0	0	10' minimum width 25' maximum width
Side/Rear	1	4	0	0	10' minimum width 25' maximum width
(2) Type 2					
Front	3	2	10	0	15' minimum width 25' maximum width
Side/Rear	2	4	10	2	20' minimum width 30' maximum width
(3) Type 3					
Front	3	3	20	0	20' minimum width 30' maximum width
Side/Rear	2	5	10	4	25' minimum width 30' maximum width
(4) Type 4					
Front	4	3	20	0	20' minimum width 30' maximum width
Side/Rear	2	5	10	8	25' minimum width 30' maximum width A Six foot high fence, wall, or berm providing a minimum opacity of 95%

** Where other sections of this ordinance require yards, setbacks or building restriction lines resulting in widths less than the minimum buffer yard width, the lesser of the two will apply. The same density of plantings must be provided regardless of the width of the buffer yard.